

Mayor Gagnon's  
Letters and  
Speeches







*“ I sometimes write a letter—just for fun.”*

Mayor Gaynor

*“ His letters bear his mind.”*

Shakespeare



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*W. Haywood*

*Some of*

MAYOR GAYNOR'S  
LETTERS  
AND SPEECHES



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## Introduction

**M**AYOR GAYNOR'S LETTERS need no introduction to the American public. The purpose of this book is not to make them better known, but to collect some of them under one cover.

The letters here given are not one-tenth of the letters of Mayor Gaynor which should be published. To cull them out and get them all together would be a great task. The number of the Mayor's letters is prodigious. His letters were dictated from day to day. Most of them, of course, concern the government of the city, but what may be called "occasional letters," or letters on general topics, occur constantly.

For directness, penetration, and wisdom, the Letters of Mayor Gaynor stand alone. Those who have only read an occasional letter from his pen published—and often "edited"—in some daily newspaper, will be surprised by the literary merit, range of thought, philosophy, common sense and incisiveness of these productions.

As to their style the Mayor himself has best described it in his reply to a question on "the art of letter writing," which appeared in "The New York Times." He said:

"What is this you want—just a word about the art of letter-writing? I fear you will find no art in my letters. I only aim to express what I have in my mind briefly and in the most expressive words. The most expressive words are short words. I always know I am going to have a time of it and must be patient when a man with a vocabulary comes to talk with me. It is the same when such men and women write letters. They cause much unnecessary wear and tear in this world.

"If you want a good vocabulary, read the Bible and simple books. But in the end good sense is the

“ foundation of good language. The trouble with  
“ most writers and speakers is that they are all the  
“ time ‘ trying.’ Don’t try—just write or say what  
“ you mean. Naturally you may ornament it a  
“ little with nice words and phrases here and there,  
“ but do not try to. If you do you spoil it. Let  
“ your mind be unambitious and content, and then  
“ you will better express yourself. What is the  
“ best way to write things, you ask? Often the best  
“ way is not to write them. But if you do the  
“ simple way is the best.”

Mayor Gaynor discusses a wide range of topics—passing, with nimble thought, “ from grave to gay, from lively to severe.” There is much similarity between the writings of Mayor Gaynor and those of Benjamin Franklin, whom he so much admires.

The Mayor’s letters are, on the whole, genial; or, even, as he says in one of them, jovial. Mostly, he says just what he likes; indulging in a luxury few can afford in these diplomatic days. Some of his *Literary Letters*—notably that to Dr. Morrison on the *Birthplace of the Poet Burns*, the one to Mr. R. A. C. Smith on *Don Quixote* and that to Rev. Robert W. McLaughlin on *Washington and Lincoln*, deserve a permanent place in literature; as, indeed, do many others.

Mayor Gaynor’s speeches—a few of which are here printed—dealing with political, economic and social problems, deserve serious consideration.

W. B. Northrop.

## *Biographical Sketch*

(From *The Evening Sun*, New York, June 26, 1911.)

**W**ILLIAM J. GAYNOR was born and brought up on a farm near Oriskany, in Oneida County, New York. He is of mixed Irish and English ancestry. The neighborhood in which he lived was called "Skeeterboro." His was the usual life of a boy on a farm in a poor country. He worked in the fields and woods and did the chores. He went to the little district school each winter for a few weeks. He afterward went to the village school and the seminary and afterward taught school, and finally achieved a good education.

He settled in Brooklyn, N. Y., in 1875, at the age of about 24. He did newspaper work. Then he practiced law. His rise in his profession was steady. He was a student and was careful in his practice. He settled all the cases he could, but when he had to fight in court he was a formidable antagonist.

### CLEANS UP FLATBUSH

He early began to take an interest in public affairs, but not as a partisan. He at first lived in the town of Flatbush, adjoining Brooklyn. Its population was about 10,000. Its government was dependent on two political bosses and was thoroughly bad. There was much waste and peculation. All sorts of favoritism existed. There were forty saloons, only one with a license. There was a colony of road houses frequented by drivers to Coney Island and the beaches. Gaynor was then a silent young fellow. But he had tried several law cases at the town hall with great ability. He said one day that the government of the town was a disgrace and the people should not

suffer it. People thought of the two opposing bosses and smiled, for whichever was in power the result was the same. And many even said that they had an understanding and worked together. The next thing was that everyone received a printed circular from Mr. Gaynor inviting him to a public meeting in the town hall to select candidates for the approaching election. The hall was packed. Both bosses were there. The chairman was a tool of theirs.

### HIS EARLY POLITICAL CREED

A motion was put naming candidates. Young Gaynor quietly handed up a resolution as a substitute, naming a new set of men from top to bottom. The chairman refused to submit it to a vote. Mr. Gaynor got up on a bench in full view, and the whole town learned that he was not as quiet as he looked. He reviewed the condition of things in the crispest words. He demanded that the chairman put the substitute to a vote, and told him that if he did not do so it would not be at all difficult to put him out of the window and put another in his place. The whole meeting broke out in cheers. The chairman lost his nerve and put the substitute. It was overwhelmingly carried. Two days later the two opposing bosses combined on a ticket, but were beaten three to one at the polls. Gaynor had been asked to run for the Legislature but refused. He said he wanted no office. The newspaper accounts of that time show that in his speech he declared, as he often has since, that "ours is a Government of laws and not of men." He even read that famous passage to that effect from the Massachusetts Bill of Rights.

### AS A POLICE OFFICER

When the government was organized the town board insisted on appointing Mr. Gaynor Police Commissioner, and he was prevailed on to serve. He went quietly and systematically to work. And everything was done in a strictly lawful manner. No lawless police raids were made, but in a few months the colony of evil places was



empty and every hotel and saloon had a license. The town was "cleaned up." In a year Mr. Gaynor resigned his office. His work was done. He made the police force respect the law, and not do as they liked. He has tried to teach the same lesson to the 10,000 policemen of the City of New York. They are not permitted to do any unlawful violence. He has taught them and the community that "the way to enforce the law is the way prescribed by the law itself," as he has so often declared. When a distinguished citizen once said to him that that way would not detect and punish crime he answered dryly, "'Then don't."

Soon afterward Mr. Gaynor moved into Brooklyn. The politicians distrusted him. He did not court them, but went his way. The ring quietly bought up a private water company which supplied a part of the city. They paid about \$200,000 for it. Soon after they made a contract with the Mayor and Comptroller and Auditor, selling it to the city for \$1,500,000. By this time Mr. Gaynor had accumulated some money in his profession and could spend some. He brought a taxpayer's suit to prevent the carrying out of the contract. He gave all the facts, showing it to be, as he said, "a spoliation of the funds of the city." The court contest aroused the public to the highest interest. Mr. Gaynor won through all the courts. It was a year of hard work, with every powerful political and financial interest against him. First they laughed at his suit. But he only grew more silent and grim and worked harder and harder. The fraud was killed, and he paid all the expense, \$14,000. He next took proceedings and compelled the city officials to collect the millions of arrears of taxes from the elevated railroads. The members of the ring had large holdings in them, given for their influence, and protected them. He took similar proceedings to expose the so-called Columbian frauds and prevented the fraudulent bills from being paid. He did other similar things. His activity was marvellous. The common saying was that he heard every pin fall in the city and that nothing escaped his attention.

### REFUSES MAYORALTY NOMINATION

A Mayoralty election was now coming on in Brooklyn. Everyone turned toward Mr. Gaynor. Honest people wanted him for Mayor. The politicians sneered and said, "That is it; that is what he has been after all along; we will now see him as a self-seeker." A great meeting was held in the Academy of Music which named him for Mayor. But he would not run. He said no one would ever be able to say that the public services he had rendered were with a view to get into office. He was even touchy about it. And that characteristic has manifested itself ever since in the many times he has been asked to be a candidate for Governor and Mayor. Another was nominated instead. Later he was nominated for Justice of the Supreme Court. He wrote declining. But leading citizens induced him to run to help the city ticket, the city being part of the ten counties making up the judicial district. There was a majority the other way of about 30,000 in the district and the ring majority in the city was about 20,000 by past elections. But Mr. Gaynor was elected by a majority of over 30,000, and the ring was as badly beaten in the city.

This campaign led to the destruction of the celebrated boss of Coney Island, John Y. McKane. He was chief of police, and held several other offices in the town of Gravesend, now a part of the borough of Brooklyn. Although there were only 10,000 inhabitants in the town he had a padded voting list of several thousand. He had been swinging this vote in a mass from one party to the other for several years. He gave it to Cleveland for President one year and the next time to Harrison. He also used this vote in local and county elections as he saw fit. The votes were cast by a gang of followers whom he used as repeaters. At this election he concealed the poll lists until Election Day, so that nobody could see them and cause them to be revised or purged. Mr. Gaynor declared publicly that if McKane conducted a fraudulent election that year he would have him sent to state's prison.

McKane only laughed at this and went right ahead. Mr. Gaynor had watchers appointed, and obtained an injunction from the Supreme Court to protect them. On Election Day McKane surrounded the polling place with his policemen, and no one was allowed to go into the polling place unless he had a card issued by McKane. When the watchers presented themselves with the injunction McKane exclaimed, "Injunctions don't go here." He set his thugs on the watchers and beat them unmercifully so that they had to run for their lives. The entire vote was cast in opposition to the Gaynor ticket. A good many said now that Mr. Gaynor was elected he probably would forget his threat to send McKane to State's prison. But he did not. He wrote to the Governor demanding that the Attorney General intervene as the District Attorney was on the side of McKane. After some difficulty the Governor appointed two special deputy attorney generals. Mr. Gaynor furnished them with all the evidence, and directed and advised all of the proceedings. The result was that McKane and 18 of his men were indicted and all of them were convicted and sent to prison. McKane died a few years after his seven-year term expired. The work done in this matter was an object lesson to the whole country, and attracted attention from all parts. The memory of it still lives among many men. And the work was done quietly and in order. There was no clamor and no false statements were given out by press agents. Mr. Gaynor worked at it quietly and unostentatiously until the whole thing was done. Many of the younger generation think that Mr. Gaynor's part was to try McKane as a Judge, but that is not so. He was the citizen who attacked McKane, gathered the evidence against him, and caused him to be prosecuted and convicted.

#### NOTABLE CAREER AS JUDGE

The career of Mr. Gaynor as a judge is well known. He was an immense worker and set a new pace. The number of cases he tried each year was beyond anything

theretofore known. The legislative committee on the law's delays reported all this several years ago. His opinions on the rights of the individual, on immunity from unlawful arrests and police interference, and on libel, and other kindred things became read and known all over this country, and some of them are legal classics. It was not thought he would remain long on the bench. But he refused to resign to run for Governor, for Mayor of Brooklyn and twice for Mayor of Greater New York. At the end of his term he did not seek renomination or say a word on the subject. But all of the parties without an exception renominated him. He served only two years of that term. The last four years as a judge he served as a member of the Appellate Division of the Supreme Court of the State.

#### ONLY WINNER ON HIS TICKET

But in 1909 he was induced to resign to run for Mayor of New York City. Every one on his ticket was beaten except himself. He had a majority of 73,000.

His career as Mayor is known to the whole country. He made no promises or alliances to get the office. He selected men to head all the twenty-eight departments of the city to suit himself. The knowledge and insight which he manifested in the workings of the city government was an object lesson to everyone. Nothing escaped his attention and he knew the way to do everything. He cut off millions of expenses. He abolished boards and bureaus that every Mayor before him had supposed to be legal fixtures. The story has been so often written and told that it need not be repeated. He has made the government of the city an object lesson and pattern for the whole country. He draws the eyes of Europe even upon the city. They know him and talk of him over there almost as much as we do here. But he has kept right on. The departments have been raised to the highest efficiency. This is particularly true of the Police Department, although grafters were found in it and it has been bitterly

assailed. The men are kept within the law and made to do their duty. The Mayor has caused all appointments and promotions to be made in numerical order from a competitive list. No money or influence is permitted to interfere with this. No one is able to make any charges of fraud, ring rule or political favoritism in the government of the city. Under this man they have simply vanished. Of course a man like this has enemies, who growl and abuse him. But the Mayor goes right on. The people say, "We love him all the more for the enemies he has made." But he quarrels with no one and is unjust to no one.

### MAYOR AS PHILOSOPHER

The philosophical turn of the Mayor's mind has endeared him to the country. He displayed it throughout his whole career, but it became more apparent in his wider field as Mayor. He is called upon to make extemporaneous addresses all the time and has made more than any Mayor, if not more than all the Mayors who preceded him, and on all sorts of subjects. And he always has something thoughtful and often witty to say. The same is true of the many letters he writes. He seems to have no desire to conceal his thoughts or opinions, as is the case with many politicians. Soon after he became Mayor the public was attracted to one of the first of his long series of public letters. A minister of the Gospel wrote to him for a license to preach to the Jews in the most congested Jewish quarter in order to convert them. His answer is in this volume (page 21).

Perhaps this letter also displays the Mayor's own profound belief in God, which seems to be his whole creed. His use of pure Anglo-Saxon in his oral and written speech is remarkable.

### ATTEMPT TO KILL HIM

In August, 1910, a discharged city employee tried to assassinate Mayor Gaynor. He came up behind the Mayor on the deck of an ocean steamer, where the Mayor stood

talking with friends who had come aboard to see him off to Europe, and placing a pistol close to the back of the Mayor's head fired. The powder marks will always remain. The bullet entered back of the right ear, and changing its course two or three times passed through his throat. It was never extracted. At first it was thought that the Mayor's voice was permanently gone. But it came back by degrees, and during the last year he has made many public speeches and now his voice is nearly normal. This assault on the Mayor revealed a new phase in his character, a most unusual physical as well as mental courage. The concussion rendered him unconscious momentarily, but he struggled to his feet, and kept perfectly cool although bleeding from mouth and nose. He did not manifest the slightest fear of death, although he and everyone thought he was dying. He never speaks of the matter.

#### WOULDN'T RUN FOR GOVERNOR

Three years ago the unanimous voice of the Democratic party of the State called on the Mayor to run for Governor. He carefully considered everything, and then sent a letter to the waiting convention saying that as a matter of duty to the people of New York City he could not resign as Mayor to accept another office. Everyone had supposed he was going to run for Governor, for his election was beyond even a shadow of a doubt. He has since often said the office of Mayor was larger than that of Governor, and second only to the Presidency. Considering the immense powers vested in the Mayor of New York this is true.

The Mayor has all along taken a deep interest in national politics, and nothing in that field escapes him. His speech on the tariff when Cleveland first ran for President was widely circulated—it was one of the best. He is a close student of national questions. For years he spoke of favoritism in freight rates as the grossest wrong of the age. His recent speech at Yale University (see p. 243) and other recent utterances have been widely read.

# Mayor Gaynor's Letters and Speeches

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## PART I—LETTERS

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### *His First Letter as Mayor*

January 10, 1910.

Sir: Please let steps be taken for the immediate resumption of the running of the stages on **Riverside Drive**, from **Seventy-second street** to the viaduct, unless there be a sufficient reason to report to the contrary. That fine drive was made by the City for all, and not for a few.

Charles B. Stover, Esq.,  
Commissioner of Parks,  
New York City.

### *An Act of Justice*

January 12, 1910.

Sir: Please take measures to reinstate **Clinton H. Smith** in his office of secretary, unless there is something that should be reported to me to the contrary, and his case can, later on, be calmly dealt with. That done in heat or haste is as a rule ill done. We must not only deal with people with justice, but also with the appearances of

justice, the latter sometimes being as essential as the former.

Charles B. Stover, Esq.,  
Park Commissioner, etc.

*Drivers Might Freeze*

January 19, 1910.

Sir: As I walked down Flatbush avenue, Brooklyn, on my way over this morning, I noticed that all of the drivers of a long line of snow wagons which were being filled by the shovellers were standing about doing nothing or sitting on their wagons. I called one of them to me and asked him if the drivers did not help to load the wagons. He answered: "No, not when the City removes the snow, but when contractors remove it, then we do." How about this, please? Should they not take a shovel and help? They may freeze to death.

W. H. Edwards, Esq.,  
Commissioner.

*Walking*

January 21, 1910.

To the Mayor of Los Angeles: This will introduce to you my long time friend, Edward Payson Weston, who intends to walk from your city to this city, and if you give him a good send-off we will give him a good greeting when he arrives here. By teaching by his example the taking of outdoor physical exercise he is a benefactor to the human race and should be treated as such.

*Simplified Spelling*

February 11, 1910.

Dear Mr. Carnegie: Your letter is one of the many coming to me about the matter of abolishing the general



personal tax. They are all in favor of doing it. But yours is the only one expressed in the new simplified spelling. "I feel compelled" to compliment you in that respect. But what about the fate of Roosevelt when he tried it, or rather tried to make other people try it, yea or nay? I note your expression of earnest hope that I do not postpone applying to the Legislature until next year. Of course I have no wish to advocate anything contrary to the intelligent will of the community. If it calls for the repeal law now I will have it prepared and sent to Albany. Or may be a law giving us local option in the matter would be more prudent? I note the newspaper editorial approvals which you quote. It is a great thing to have intelligent, able and fair newspapers, which most of ours are. The less said about the other few the better.

Andrew Carnegie, Esq.

### *Waste in Condemning Lands*

February 17, 1910.

Sir: I have concluded that the street opening bureau needs to be reorganized, and also the method of acquiring lands for City use and the making of awards therefor. The said bureau is in even worse condition than I had supposed. The work there is protracted and made expensive beyond endurance. Commissioners of appraisal and award invariably take months and years to do what could be well done in hours, days or weeks. In that way they run up expensive bills for their own fees and expenses which the landowners have to pay, and also postpone necessary improvements. I have cases before me where from 4 to 10 years were taken in proceedings to open short streets, or a few blocks. In addition to this, grossly excessive awards are made. In the acquiring of land for city use, excessive awards are habitual, and the same unnecessary time is taken. The awards range from 2 to 6

times the fair value. I am glad to inform you that, as might be expected, the Judges who appoint commissioners are anxious to put an end to these abuses. It seems to me the way is for the Corporation Counsel to have each set of commissioners charged by the Judge appointing them in respect of the law governing them, and also as to the time within which they should complete their work, and in the case of dilatory commissioners the Corporation Counsel should move the court for their removal without compensation. It may be necessary for you to remove all of the appraisers and employ new ones for the future in each particular proceeding. The collusion between permanent appraisers and unscrupulous attorneys for owners of lands being taken is easy and has already been exposed, as you know. The cost of commissioners in condemnation and street opening proceedings was recently greater than that of the entire judicial establishment within the city limit.

I look to you to make a complete reform in these matters. Millions in money will thereby be saved annually to the City. Remember always that yours is a great administrative department and not one of mere litigation, technicalities and delays. I shall be glad to help you so much as I can, and I am assured that the Judges will co-operate with you. For instance, we are about to acquire a block of land in Brooklyn for a new court house. It depends on the Judge who appoints the condemnation commissioners whether the land shall be taken at its fair actual value, or whether the commissioners shall be unfit, and also turned loose to make excessive and fictitious awards, and to remain on the job for years when two or three months would be ample time. If the tax commissioners do their duty in valuing land for taxation, it cannot well happen that a commission should make an award for land which is more than 10 to 15 per cent. higher than such tax valuation.

A. R. Watson, Esq.,  
Corporation Counsel.

*Slow Growth*

February 25, 1910.

My Dear Mr. Scott: I thank you very much for your letter of February 17. I should not have delayed so long in answering. I assure you that you do not have to argue one moment with me to get me in sympathy with your ideas of simplified spelling. Our spelling has been changing for centuries and will continue to change. It will not change suddenly, however. It seems to be contrary to the rules of Providence that even good things should be done suddenly. How long He sat patiently brooding over this earth before it was fit? How slowly our bodies mature, and the trees, and the grain of wheat, and everything about us in the material world. The same holds good in the intellectual world. All good growth is slow growth, and even the simplification of spelling must have its slow growth.

Charles P. G. Scott, Esq.,  
Manhattan.

*A Learned Ratcatcher*

March 20, 1910.

Dear Mr. Frey: Your letter of March 15 is at hand, describing how your calling of ratcatcher is being constantly interrupted by your being summoned to serve as a juror.

Sooner than have the city overrun with rats and everything eaten up by them I would have you relieved of jury duty. Do you not think we had better have a bill introduced in the Legislature to exempt ratcatchers from jury service?

The difficulty is, however, that so many exemptions have already been passed by the Legislature that there seems to be only the ratcatchers and a few other people left to serve on juries. That might possibly impede the progress of your bill if sent to Albany.

I will have to carefully consider the matter, and some day when you are down this way come in and we will talk

it over, and also about rats. I see that you are a classical scholar, judging by the motto at the head of your letter. My experience is that learned men are to be found everywhere. As we read in Don Quixote: "The mountains breed learned men and philosophers are found in the huts of shepherds."

Charles M. Frey, Esq.

*Good Friday*

March 25, 1910.

Dear Dr. Morrison: Your rules of living, which you have been so good as to send me, are so sensible and so easy to carry out, that I have a strong notion to publish them. I am going to read them occasionally and see if I can even measurably follow them, for, as you know, I have never been very careful of myself. I suppose that before long I shall begin to feel the effects of it, and tire out from work.

This has always been the one day in the year which fills me with awe. It is the day of the world's greatest tragedy. I see Him all day long hanging from the Cross on the hill called Golgotha. How bad they treated him, and how the whole world deplores it. I have never been able to understand those who have no feeling about Good Friday.

Rev. William Morrison,  
Brooklyn, N. Y.

*Patrolman's Kind Act*

April 5, 1910.

[NOTE: The Mayor received a letter from Mr. George B. Dickerson, of Westfield, N. J., telling how his two little boys had been to the Hippodrome in New York with their teacher and others, and got separated from them and lost, and how a policeman found them in the street and directed them how to get home, and gave them a dollar to pay their fare, and how they arrived home safely. On inquiry the Mayor ascertained that the policeman was Patrolman Thomas Sheahan, of the 29th Precinct, and he thereupon mailed to him the letter of Mr. Dickerson and asked

the policeman to explain the occurrence. The Mayor received a reply from Patrolman Thomas Sheahan, telling in a modest way how he found the boys and directed them how to get home and gave them the dollar. The Mayor answered Patrolman Sheahan by the following letter:]

Dear Mr. Sheahan: I am very glad indeed to receive your letter of April 4, explaining, in answer to my request, how you sent the two little boys home. It was very kind of you indeed, and I am certain they will send back the dollar which you gave them. I have long known from personal observation that the patrolmen do many kind things, and I am in a position now to hear of many of them every day. I shall always be glad to hear from you, and also to do anything for you which I can legally and properly do.

*Converting the Jews*

April 21, 1910.

Reverend and Dear Sir: It seems to me that this work of proselyting from other religions and sects is very often carried too far. Do you not think the Jews have a good religion? Have not the Christians appropriated the entire Jewish sacred scriptures? Was not the New Testament also written entirely by Jews? Was not Jesus also born of the Jewish race, if I may speak of it with due reverence? Did not we Christians get much or the most of what we have from the Jews? Why should any one work so hard to proselytize the Jew? His pure belief in the one true living God comes down to us even from the twilight of fable, and is the one great unbroken lineage and tradition of the world. I do not think I should give you a license to preach for the conversion of the Jews in the streets of the thickly settled Jewish neighborhoods which you designate. Would you not annoy them and do more harm than good? How many Jews have you converted so far?

Rev. Thomas M. Chalmers,  
Brooklyn, N. Y.

*Stops All Arrests Without Warrant for Accidents*

May 6, 1910.

Sir: Complaint has been made to me that on April 21st Joseph F. Mullen, a locomotive engineer of the New York Central and Hudson River Railroad Company, was arrested without a warrant and locked up by two policemen over night; that he was taken to the police court next morning and held in \$1,000 bail for examination on the charge of assault; that he offered Mr. H. B. Dwyer as his bondsman; that the Magistrate rejected Mr. Dwyer for the reason that he had once practiced law (which was no reason at all in criminal practice), and sent the prisoner back to jail; that thereupon a Justice of the Supreme Court accepted Mr. Dwyer as bondsman and discharged the prisoner on bail; that on the examination day the officers who made the arrest could furnish no evidence against the prisoner; that an adjournment was had, and on the adjourned day they could furnish no evidence; that subsequently the Coroner called up the 37th Street Police Station house and had the prisoner arrested again without a warrant; and that he was afterwards discharged again for lack of any evidence.

All this was done because a brakeman on the cars attached to the said Mullen's engine was hurt while he was standing on the running board of the tender of the engine in the yard of the New York Central and Hudson River Railroad Company. There was nothing to show that the engineer assaulted him. It appears to have been an accident. We have all observed that policemen very often make similar arrests of motormen and others simply because an accident happened. I write this to you not merely to redress the wrong which was committed to this man, but also to have you do away with such occurrences in the future. The members of the force seem to be under the erroneous notion that it is their duty to make arrests in all such cases. They should not do so unless there be some evidence after careful examination that a felony was com-

mitted, and even then they should await the issuing of a warrant unless the case be reasonably clear, and the defendant may run away. The way is to first make an examination and see whether the person has committed a felony and whether anybody can testify against him. To arrest an engineer or motorman for assault or manslaughter simply because an accident happened, and without any evidence against him, is an oppression forbidden by law.

William F. Baker, Esq.,  
Police Commissioner.

*Big and Little Policemen*

May 9, 1910.

Sir: This will introduce to you Mr. Joseph Hocker, who wants to be a policeman. He says he has undergone the physical examination, and passed, but fears your mental test. He is certainly a physical giant, 6 feet 5 inches tall, and I trust he is an intellectual giant also, because we are in need of the latter kind on the police force. He is too big for the detective force; he could not go anywhere without being seen. Is there no way to get a few little men, even hunchbacks and "singled cats," on the police force, so that we can make detectives of them? We do not need giants for detectives. We are more in need of little fellows who can go through keyholes and knotholes, and if they have eyes in the back of their heads also all the better.

To: the Chairman,  
Civil Service Commission.

*A Government of Laws, Not of Men*

(From *The Outlook*, June 18, 1910.)

The people of the City of New York do well to welcome Mr. Roosevelt home. He is of them—bone of their bone, flesh of their flesh—and they have "a soft side" for

him. Through a long ancestry he is native and to the manner born here. And the people of the whole country will join in the welcome. They have witnessed with pleasure the honor done to Mr. Roosevelt in Europe. Twice within two generations have they now seen the like in the case of two of their former Presidents. General Grant had not only been President twice, like Mr. Roosevelt, but had one of the great military careers of the world back of him. No doubt some of the extraordinary curiosity displayed in Europe to see him and do him honor arose from this latter fact. But the chief reason was the same as in the case of Mr. Roosevelt, namely, that, having been twice President of the United States, and become again a private citizen, docile to just authority, he personified in the European mind the idea of a government of laws as distinguished from a government of men. It is that idea, first vitalized on this continent, and afterwards followed as an example in Europe, by slow degrees and by one nation after another, which shall always make one who has been in chief rulership over this country an object of profound interest and reverence to the rest of the world. In one form and another we expressed it in the beginning in its threefold division of power in all of our fundamental instruments of government, the loftiness of the conception being sometimes expressed in equally lofty and felicitous language, as, for instance, in the Massachusetts Bill of Rights:

“ In the government of this commonwealth, the Legislative department shall never exercise the executive and judicial powers, or either of them; the Executive shall never exercise the legislative and judicial powers, or either of them; the Judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.”

Great problems now confront us for solution, the accumulation of more than two generations of men more



bent on their individual success, if not greed, than on the public weal. No few, but all of us, are to blame for it, either by actual commission or by indifference and neglect. With that era now drawing toward its close, let us get our standpoint anew in this great conception of government, to the end that we may lose all fear, as we most certainly shall, of a resort to force to right whatever has grown up among us that suiteth not a commonwealth, and has in it the canker of death to government of equal opportunity to all and favoritism or privilege to none.

*Exhibition of Prize Fight Pictures In Theatres*

July 7, 1910.

Dear Sir: I thank you for your favor of July 6. If it lay in my power to say whether the pictures should be exhibited it would not take me long to decide it. I do not see how it can do any one any good to look at them. But will you be so good as to remember that ours is a government of laws and not of men. Will you please get that well into your head. I am not able to do as I like as Mayor. I must take the law just as it is, and you may be absolutely certain that I shall not take the law into my own hands. You say you are glad to see that the mayors of many cities have "ordered" that these pictures shall not be exhibited. Indeed? Who set them up as autocrats? If there be some valid law giving any mayor such power then he can exercise it; otherwise not. The growing exercise of arbitrary power in this country by those put in office would be far more dangerous and is far more to be dreaded than certain other vices that we all wish to minimize or be rid of. People little know what they are doing when they try to encourage officials to resort to arbitrary power.

Rev. O. R. Miller,  
Brooklyn, N. Y.

*In the Presence of Death*

St. James, L. I.,

Sept. 3, 1910.

My dear Sister: Your letter encouraged me very much. I was so glad to get it, for I was feeling depressed, although coming from the hospital home had braced me up for the time being. I felt shaky and doubtful of myself, until Tuesday, the first day I walked out, but now my strength is returning fast. The barking neuralgia in all the side of my head and my ear has subsided. The wound healed without trouble. You remember how quickly the two bad cuts I got when a boy healed, one from an axe and the other from a scythe. The doctors looked at the scars in the hospital.

I still find it difficult to talk, but my voice comes back a little every day. But I shall not inflict my ills and aches on you. I am sorry for the worry I have caused you all. You remember my dog "Spot," when we were children. He got hurt once, and crawled under a pile of logs and lay there for more than a week before he came out. Well, when any trouble happens to me, I feel just like poor "Spot"—I would like to crawl under the log pile and stay there.

I have not read any newspaper since I was hurt, nor have I been told how the thing happened, except that Commissioner Thompson told me on the deck that I had been shot by a former employee of the Dock Department. I do not remember the name he gave. It is my intention never to read a line of what has been published in the newspapers about the matter or me since I was hurt. It might warp my mind about myself. What I am I am, with all my shortcomings, and I am content with that.

My own knowledge of the occurrence is of course very limited and may be inaccurate. I think I shall tell it to you now, so that there may be some family record of it, and in a year or two I wish you to turn this letter over to Rufus to keep. I was taking him with me for com-

pany. As you know, he and I have travelled much together. He was on the other side of the ship and did not see me shot.

I was standing on the deck talking with Commissioners Thompson, Lederle, Edwards, Corporation Counsel Watson, my secretary, Mr. Robert Adamson, and several friends who had come aboard to see me off. Mr. Montt, President of Chili, and Mrs. Montt had just passed by, and I had spoken a few words with them. Mr. Adamson pointed out that the ship was dressed with flags for me, but I said I did not think it could be for me. My next consciousness was of a terrible metallic roar in my head. It filled my head, which seemed as though it would burst open. It swelled to the highest pitch, and then fell, and then rose again, and so alternated until it subsided into a continuous buzz. It was sickening, but my stomach did not give way. I was meanwhile entirely sightless.

I do not think I fell, for when I became conscious I was on my feet. I suppose they saved me from falling, and they were supporting me. My sight gradually returned, so that after a while I could see the deck and the outlines of the crowd around me. I became conscious that I was choking. Blood was coming from my mouth and nose and I tried all I could to swallow it so those around me would not see it. But I found I could not swallow and then knew my throat was hurt. It seemed as though it were dislocated. I struggled to breathe through my mouth, but could not, and thought I was dying of strangulation. I kept thinking all the time the best thing to do.

I was not a bit afraid to die if that was God's will of me. I said to myself just as well now as a few years from now. No one who contemplates the immensity of Almighty God, and of His universe and His works, and realizes what an atom he is in it all, can fear to die in this flesh, yea, even though it were true that he is to be dissolved forever into the infinity of matter and mind from which he came.

In some way I happened to close my mouth tight and found I breathed perfectly through my nose. I then believed I could keep from smothering. But I kept choking and my mouth kept opening to cast out the blood. But much of it went down into my stomach. That night in the hospital I had five hard chills in succession, and got deathly sick and vomited up this blood all over the bed. The poor sister who was watching me called the doctors, but they said it was a good thing. I felt much better after that, but grew very weak. The trouble was to get nourishment as I could not swallow.

But I shall not speak of the hospital, but only of my recollection (or impressions) of things on the ship. They wanted me to lie down on the deck, but I said no, I would walk to my stateroom. I could now see faces, and I wanted to get away from the crowd. I could not bear to have them looking at me in the plight I was in, especially the crowd of newspaper men, and especially those with cameras. Two of them rushed up from the line where they all stood and put their cameras right in my face and snapped them. I finally put my hand up and I think I said "don't." I hope these pictures were not published. The other newspaper men acted decently, as they always do.

We were on the opposite side of the ship, and I was supported through the gangway down a few steps, and then up the same number, and my stateroom was there. As we were crossing I said to Commissioner Thompson on my right hand to send for two of the best surgeons of the city, and be sure and tell them not to discourage me. I had difficulty to make him understand me, but he finally did. Finding that my wound was not immediately mortal, I had determined to make a fight for it, and did not want any one to come near me who would discourage me. Nothing annoys me more than to have persons come about and express doubts when I have set my mind upon doing a thing.

They lifted me into bed, but had to prop me up on

account of the choking. I told the poor captain who bent over me that I was sorry for the trouble and delay I was causing. The ship's doctor and the ambulance doctor who soon arrived washed my face and beard and bandaged my wound. They carried me in a litter and put me in the ambulance. As it started I was filled with joy to see my dear Rufe spring up on the rear seat. I knew then that I was not to be alone. How relative happiness is in this world. He had been encouraging me by words all along and kept on doing so, but broke down completely in the hospital when mamma arrived, as I afterwards learned.

The excitement being over, I began to grow weak, and was quite weak when I was wheeled into the operating room. I forgot to tell you that as I stood or was supported on the deck I heard some one crying out, "Kill him," and others saying, "No, do not kill him." They had seized the assassin. I heard no struggle, nor did I hear any shots fired, but I concluded that I had been shot in the head by an assassin. I did not hear or feel the shot that hit me. There was an interval at the first when I seem to have been unconscious.

Though the thing had not entered my head that morning, I was not surprised when I realized that I was shot. I had had a feeling for some weeks that I might be assaulted on account of the anonymous threats I was getting by mail. I had not received so many since I was opposing the ring corruptions and the McKane conditions in Brooklyn and Gravesend when I was a young man. I had ceased walking over the Brooklyn Bridge.

The matter of the pictures of the Reno prize-fight had come up. I had no way as Mayor to stop the theatres from showing them. By the city charter their licenses were revokable by the judges of the Supreme Court, not by the Mayor, and the district attorney and corporation counsel decided that there was no law forbidding such pictures. They had been shown for years without objection. But the Hearst newspapers kept on denouncing me for

not stopping them. I suppose you know the way they had belied me ever since I became Mayor. Finally, one day they printed in large type that an officer of the Christian Endeavor Society named Lowande had called on me at the Mayor's office and asked me on behalf of that society to stop the pictures, and that I told him he "was a fool and was sent by fools."

I had never said such a thing, as you may well know. It was made up. I learned that Lowande was a process server for lawyers. The officers of the Christian Endeavor Society put forth a statement of their own motion that it was untrue that they had sent Lowande or any one else to me, and that he did not represent them. But it made no difference. These newspapers went on repeating the falsehood, and even tried to get up a public meeting to denounce me.

Meanwhile, people of wicked or disordered minds, of whom there are a large number in New York city, would cut these articles out and send them to me with abuse and threats written on the margin, or else with anonymous letters threatening me. Some of them said I would be killed. Probably they cared nothing about the pictures, but the particular disorder of their minds was inflamed by reading how bad a man I was. Finally they printed that terrible cartoon of me entitled "The Barker." I was dressed up as a ruffian and standing outside of a prize-fight ring twirling a cane and barking for people to go in and see the sport. Two men slugging each other, one of them down and bleeding, were exposed in the ring.

Think of one who has been more of a library student than anything else all his life, and who never even saw a boxing match, being pictured like that. But the ignorant and disordered minds believed it, and I suppose many others who read no other newspaper did, and were naturally inflamed against such a ruffian being Mayor. That was the object these newspapers had in view, although they printed all the pictures of the fight in the most revolting form, as they had been doing for years with all

such fights. Even some sensational ministers wrote to me as though they believed it. It was during this time that it first entered my head that I might be in danger, especially in walking over the Bridge, although earlier in the year I had received a few similar threats when these same newspapers published that we were discharging small employees but taking on expensive ones.

Such journalism is, of course, in absolute defiance of the criminal law, and it did not enter my mind to publicly call on the grand juries and the district attorney to protect me from it, but I was weak and feared people would say I was thin skinned. But the time is at hand when these journalistic scoundrels have got to stop or get out, and I am ready now to do my share to that end. They are absolutely without souls. If decent people would refuse to look at such newspapers the thing would right itself at once. The journalism of New York city has been dragged to the lowest depth of degradation. The grossest railleries and libels, instead of honest statements and fair discussion, have gone on unchecked. One cannot help sympathizing with the decent newspapers.

But I will weary you with all this. Tom saw me at the hospital twice, and I must write to him. He started immediately on hearing that I was hurt. What a good heart he always has. Give my love to all. I long to see you, and to go out to the old farm, and walk the old roads. I am certain it would do me good, but I fear I cannot go this year. I wish I could go back to work. It would take my mind out of my throat.

Miss Mary E. Gaynor.

*To Men In State's Prison Who Wrote to Him After  
He Was Shot on August 9, 1910*

St. James, L. I.,  
Sept. 15, 1910.

Dear Mr. Hoyt (No. 7494, Clinton Prison): I thank you exceedingly for your kind letter and am glad to

receive the good will which you send me of yourself and all your companions in the prison. I am well aware that many of you are not really bad men, but unfortunate men, and that God so sees you. There are many of us who would be the same as you are if we had had the same trouble and obstacles in our lives. So do not be discouraged. I shall not speak of my trouble in view of the greater trouble of all of you. Let us all be patient and content.

Fred M. Hoyt,  
Dannemora, N. Y.

*Declines the Governorship*

Deepwells, St. James, L. I.,  
September 25, 1910.

Dear Mr. Creelman: Your note, with Mr. Watter-son's, is at hand. Mr. Dix and Mr. Mack have been here and I have told them finally and positively that I am not a candidate for Governor, and cannot be made a candidate. I do not intend to abandon the City.

They say that it seems certain that the convention will nominate me, even though I am not a candidate. That does not seem probable, and I hope it does not occur.

Although my mind is made up, I do not perceive any moral question in the case. I am under no obligation whatever to remain as Mayor. I certainly had no such compact with those who opposed me and voted against me; it takes two sides to make a compact; nor had I any with those who nominated and elected me; and if I had, they would have a right to release me.

As for myself or my political future, I shall not consider that at all. Mr. Watterson is in error in supposing that I have the Presidency in my mind. Never! And it is too late for me to begin shaping my course for any ambitious purpose.

And when a man has gone down into the Valley of the Shadow, and looked the spectre Death in the face, and said



to it, "I am ready," nothing in this world looks very large to him, as I can assure you.

You will have a hard time reading this letter, as my shoulder and collarbone are still disabled, owing to the injured neck muscles which support them.

James Creelman, Esq.

*Declines the Governorship*

St. James, September 26, 1910.

Dear Mr. Creelman: I am this day writing a letter to Chairman Dix, stating that I am not a candidate for nomination for Governor, and refuse to become such. I do this to remove all doubt on the subject which may have arisen by reason of irresponsible statements which I am informed are being circulated. No utterance of mine has put the matter in doubt. Some have said to me that the convention may nominate me although I am not a candidate. It seems to me that it might appear vain or egotistical for me to assume in my letter to Mr. Dix that that extraordinary thing might happen. I therefore write this supplemental letter to you to take to Rochester and show there so as to prevent my nomination if it should appear to be imminent. Make it plain that if nominated I would decline to accept. I could not abandon to their fate the splendid men whom I have appointed to office, and who are working so hard for good government, nor could I abandon the people of the City of New York after so short a service. You may make this letter public in advance of going to Rochester if in your judgment you think the situation calls for it. But do not do so unless it be plainly necessary. Every honest man will understand me.

James Creelman, Esq.

*Declines the Governorship*

St. James, Sept. 26, 1910.

Dear Sir: I have further considered the matter as you requested when you called on me here with Mr. Mack last Wednesday, but can only reiterate to you that I am not a candidate for nomination for Governor. This must have been well known all along, for I have written it to many people during the last six months. I am not influenced in my course by assertions made here and there that I made an agreement or compact during the Mayoralty campaign to serve out the four years if elected. These false assertions are made by persons who opposed me and voted against me, and would do so again. I made no such agreement. I certainly did not make it with those who opposed me and voted against me. I could have had no compact with them. It takes two sides to make a compact. Nor did I make it with those who nominated and supported me. They did not ask for it. I did say of my own motion and at the request of no one that I purposed to devote the next four years to the service of the City. But this only started a hue and cry against me that I should make a pledge or compact to that effect, which I refused to do. And if I had made a pledge, that could not prevent the voters from electing me to some other office.

I am well aware, as has been pointed out to me, that there are some large things which a Governor could readily do for the City of New York, by oversight and legitimate interference, which the Mayor of that city cannot do without much time and difficulty, if at all. Among them I may mention the planning and construction of a comprehensive system of subways, with a single fare over the whole system, which, in the discordancy or duality of government, or both, now existing in that city, is a difficult and protracted matter. But nevertheless my wish to remain as Mayor is such that I do not become a candidate for nomination for Governor. May I add that as matter of

fact the office of Mayor of the City of New York, considering the power and the constant occasion for the exercise of the highest functions of free government lodged in it, is second to no office in this country save one.

Many tell me and write me that in taking this course I give up my future. But I shall not take myself or my future into consideration. None of us has a future, but only the present. And if I thought I had a future, I should be content to entrust it to the people of the City of New York.

I trust that the convention will nominate some one who is not a mere dealer in the political commonplaces and jingles of the last 25 or 50 years, but who has kept pace and grown with the times, and whose absorbing purpose will be to make the government of the State, in all its branches, general and local, intelligent, honest and decent, and to lift it up and make it an object lesson to the whole nation. If to do this he has to be more or less meddlesome, we will all forgive such meddlesomeness, if kept fairly within the law.

John A. Dix, Esq.,  
Chairman, etc.

### *A Morning Prayer*

November 3, 1910.

Dear Sir: It might be a good thing for you to stop putting out false statements, even though you cannot get your campaign speakers to do the like. I never favored the nomination of Judge Keogh for Governor, nor was he a candidate for Governor, so far as I know. I never knew a dividend to be got out of false statements yet. I suppose, very naturally, that the other statements of fact in your published statement are equally false. Suppose you pray every morning for awhile for God to direct you to tell the truth, and see what fruits it will bear.

Ezra P. Prentice, Esq., Chairman,  
Republican State Committee.

*Cured*

November 5, 1910.

Sir: I am glad to perceive from your letter of November 4, just received, that I have already so far cured you of your propensity to make false statements that you drop your forged quotation from my letter to Mr. Ridder, and use the correct quotation. While the lamp holds out to burn the vilest sinner may return.

E. P. Prentice, Esq.,  
Chairman.

*Socialism and the Red Flag*

(Extract from Message to the Board of Aldermen, February 21, 1911.)

I have particularly made the police authorities understand that those who entertain views of government, or of economic or social order, different from ours, are not to be interfered with, or denied the right of freedom of speech and of assembly on that account. A propaganda by intellectual persuasion and peaceable means for changes in form of government or in the economic or social order is lawful and not to be meddled with, much less oppressed, by the police. The Socialists do not believe in individualism, but in collectivism. In place of having the present condition of individual ownership of property, they would mass all land and chief products and the principal means, tools and machinery of production under the control and operation of the State, in order, as they claim, to bring about distributive justice, namely, a just division of the total product of industry among all those who contribute to produce it by their physical or mental work, after first providing for the non-productive aged or infirm. That it clearly appears to the rest of us that this scheme would by doing away with incentives to individual exertion greatly reduce production, and thereby increase poverty and dis-

tress, is no reason for denying to those who advocate it rights secured to every one by our system of government. And that their flag is red instead of blue or yellow or green does not annoy or alarm intelligent people. They chose the color red for their emblem, not to signify that they favor violence or the shedding of blood, as the unintelligent suppose and as actions of those in official authority often lead people to believe, but for the purpose of typifying the common brotherhood of all men of all nations through the same red blood which flows through the veins of all, and to the end that all war and violence shall cease. Let the fundamental rights of all on which free government rests be denied to no one. Those who want to work changes peaceably through the ballot box have the right to try to do so. They may let light in on us or we may let light in on them. As John Stuart Mill says, that which seems the height of absurdity to one generation often becomes the height of wisdom to the next.

*Argue Like Franklin*

March 8, 1911.

Dear Sir: Your letter challenging me to a debate with you on Socialism is at hand. The mere fact that you make the challenge is probably proof positive that you are not fit for such a debate. People who want to force things down the mental throats of others do their own cause more harm than good. Did you ever read that part of Benjamin Franklin's autobiography in which he says that experience had taught him that the way to convince another is to state your case moderately and accurately, and then scratch your head, or shake it a little, and say that that is the way it seems to you, but that of course you may be mistaken about it; which causes your listener to receive what you say, and as like as not, turn about and try to convince you of it, since you are in doubt; but if you go at him with a tone of positiveness and arrogance you only make an

opponent of him. I write this to you in the hope that it may make you stop long enough to think that possibly you are not so infallible as you think you are. You compliment me because I know the meaning of the red flag of the Socialists, and stated it in my message to the Board of Aldermen. It is just possible that I have done more to make the people of New York understand the meaning of your flag and of Socialism than all that you have ever said with strident voice. If you wish to be a teacher, just read the passage I have mentioned from Franklin, and cool off a whole lot.

T. N. Fall, Esq.,  
Brooklyn, N. Y.

*How To Be Happy*

March 9, 1911.

My Dear Little Friend: I should be most glad to go and see you play, but you know I have so many things to do that I cannot go everywhere. I am glad that you are happy as you say. Everybody ought to be happy. It does no good to be any other way. When anything discouraging or annoying happens just say to yourself: "Well, it is all right. The next time something good will happen." And then you will feel bully.

Miss Juliet Shelby,  
Manhattan.

*A Book Review*

Mar. 14, 1911.

Dear Mr. Aldcroft: I thank you for sending me the two volumes of Stewart Chamberlain on "The Foundations of the Nineteenth Century." It is a most remarkable production and will be read by every one who tries to keep up with and enlarge his mind by what I may with some degree of accuracy call the philosophy of history. I

was about starting for Albany and took the first volume with me. I read it on the train and also spent most of the night over it. Some parts of it fascinated me, especially the splendid fifth chapter on "The entrance of the Jews into the history of the West." The author gives Greece, Rome and Judea, in that order, as the nations from which the basis of our civilization was derived. It seems to me that he should have reversed the order of their enumeration, and said Judea, Rome and Greece. Outside of art and poetry, the influence of Greece has not been great on the civilization of the world. In jurisprudence and government, in all that makes up a cohesive structure of society, her influence has been scarcely felt at all, I had almost said not at all, while the modern Western world derives the very warp and woof of its laws and systems of government from Rome. But when we turn to the Jews we cannot fail to perceive that our foundations not only in laws, manners and usages, but also in religion are set deep in their legislation and literature. This is particularly true of the English-speaking peoples. The Jews have brought down to us from that borderline where fable scarcely ceases and history hardly begins our knowledge of the one true and ever-living God, which is the sum and substance of our religion. There are no mysteries in the Jewish religion. Everything is fact. The Lord God was the cornerstone fact, and an ever-recurring historical fact. "I am the Lord thy God, who brought thee out of the land of Egypt, and out of the house of bondage," is only one of the thousand passages which attest this. Hence we find that the Jews were never irrevocably wedded to religious forms and ceremonies. They have constantly changed them throughout all their history, from age to age, and according to their environment in their dispersion throughout the world. But to their one great religious belief or fact they have remained true.

Too much cannot be said of the splendid preface of Lord Redesdale. It never flags, and his English is so luminous that all the time it conveys even the shades of

his true meaning. As I read along in the book itself, I could not help wishing that he had been the translator also. But that would have been a very different matter, for even the best translator, unless he depart into too free a rendering, cannot do much better than give a result resembling the reverse side of a tapestry as compared with the original.

It is a striking thing that although an Englishman born and bred the author wrote in German, and that the English edition is by a translator other than himself. The only similar case I have in mind is that of Gibbon who wrote much of the draft of his colossal work in French. He somewhere says that he wrote in French because he had grown so accustomed to that language that he dreamed in it, and no doubt that was the case of Chamberlain with German. But his mind also seems to be distinctly German, so saturated is he with German literature and science; whereas the English mind of Gibbon stands out plain in every ornate sentence and stately passage. Have you observed the brilliant footnote at page 145?

Richard B. Aldcroft, Jr., Esq.,  
New York City.

*Are You Certain It Is Your Beard?*

April 12, 1911.

Reverend and Dear Sir: Your letter informing me that as you walk about the city visiting the homes of your parishioners people apply opprobrious names to you, and throw empty cans and rubbish at you, and otherwise assault you, on account of your beard, is at hand. You ask me, "Is it a crime in the City of New York to wear a beard"? No, it is not. I wear one myself and nobody ever takes any notice of it. How is it they take notice of your beard? Have you trimmed it in some peculiar way, contrary to the Scriptures? For you know the Scriptures say, "Ye shall not round the corners of your heads, neither shalt thou mar the corners of thy beard."



Yes, if they assault you, and throw cans at you, you have a right to defend yourself to the last extremity; but if you find it necessary I will have a detective go around with you for a few days until we arrest some of those who are wronging you. Are you certain that it is your beard which is the cause of the trouble?

Rev. Basil M. Kerbawy,  
Brooklyn, N. Y.

*Voluntary Music at Playgrounds*

May 10, 1911.

Dear Mr. Sullivan: I have your letter expressing the hope that I will again take up and consider the question of an appropriation to pay for music in the playgrounds. You are right in conjecturing that I am a believer in the playgrounds. I would have as many of them as possible. I like to see the children play in the streets, even. They must play somewhere and we must bear with them. I fear you do not understand why I deprecate the idea of the City furnishing music to every little playground and recreation place in the city. It is my belief that the people who go to these places for recreation will improvise bands of their own if they are encouraged to do so, and even without any encouragement. All over the country there is an improvised band in every little locality that you come to, even into the edge of the Adirondacks. I was up in the Catskills and along the Hudson River yesterday and found a bandstand in nearly every little settlement and village where volunteer bands play. Do you know of any reason why the plain people of this city cannot organize bands in the same way if we give them a chance? In the large recreation centers the City may furnish music, but in the small places it seems to me that the citizens should improvise their own bands. I suppose some people will laugh at me for saying this, but I think our people can do it just as well as people all over the State and the United

States are doing it. Of course they will never do it if we extend our paternalism to furnishing little bands here and there all over the city. I think the people can do it here better than in other localities, because among the foreigners here we have people of musical and artistic talent in greater proportion than in other localities where they have good volunteer bands. I hope you fully understand me, and that you will correct me if I am wrong.

James E. Sullivan, Esq.,  
Manhattan.

*Hollering*

May 25, 1911.

Dear Mr. Loder: Your letter is at hand, and I thank you for your kind wishes. You ask me to stop the newsboys from "hollering" their papers. I have a lot of hard things to do, but I fear the job of stopping the newsboys from hollering would be the hardest of all. Will you help me? Or suppose I delegate the whole matter to you? Will you undertake the job? I won't delegate you just yet awhile, however, for I am not certain that I want to stop the little fellows from hollering. They do not disturb me any. A whole lot of people have been hollering at me of late, but they do not disturb me, and much less does the hollering of the little newsboys disturb me. The fact is I could sit down and think and work in a boiler shop. That is one of the qualifications which should be prescribed for a Mayor of the City of New York.

Cornelius S. Loder, Esq.,  
New York City.

*The Pleasures and Profits of Walking*

(The following is an article published in *The Independent*, June 1, 1911. It is in conversational form, and was dictated.)

I fear you are taking me too seriously as a walker. It is true that I have been walking for a good many years,

but I do not pretend to be anything more than an ordinary trudger. During the sixteen years that I was a Justice of the Supreme Court I made it a rule to walk from five to seven miles a day. I did this to keep myself in health. I sat in bad air in the courtroom. In the morning I walked a few miles, and after leaving court in the evening I walked a few miles more.

When I became Mayor I simply continued my walking. I walk from my house to the City Hall in the morning and back in the evening. That gives me seven miles a day. But I am no walker, nor am I an athlete. I walk for health, and also for the joy of walking.

I have for many years done my principal work while walking. As a judge I framed my decisions and opinions in my mind while walking. I can think best while walking, and then I can come in and sit down and write off-hand the whole subject. But let me say again that I am no scientific walker although I take long walks.

It is with my walking as with my being a disciple of Epictetus. During the campaign for the mayoralty, while every abuse and lie was being heaped upon me, I casually remarked in one of my speeches that what another saith of thee concerneth more him who saith it than it concerneth thee, as Epictetus says. This seemed to astonish the whole journalistic fraternity in New York City, as though they had never heard of Epictetus before. My walking seemed to astonish them in the same way.

I prefer to walk alone and think. I do not hurry; I just go along at my leisure. It is true, now and then some one comes alongside of me and thinks the gait is not a very leisurely one, but to me it is leisurely because I am used to it. I do not see why many or most people do not walk to and from their business every day. A man wrote me a letter that it was all very well for me to do it, but that his business was two miles away from his house. I wrote him back that mine was over three. There is a feeling of independence and freedom when you are walking, and your blood warms up and flows freely, and your body

becomes purified. As I walk over the bridge every night and see the cars packed with anæmic young men and women, some of them with cigarettes, I cannot help pitying them. Why do they not get out and walk and make their bodies ruddy and healthy? Some of them look out of the car windows, and point at me as though I was a curiosity because I walk. I think they are curiosities because they ride, and injure themselves with the foul air of the cars.

I used to be a horseback rider, but you have to keep that up or else drop it altogether, and you cannot always have time for it. Besides, it is a rather violent exercise. I do not think I know any one who has got a dividend out of it. Then I drove for years. Out of that I really got nothing. The street car I always abominated. They used to have stoves in them, and now they heat them by electricity, and the air becomes foul. Some people write to me complaining that the cars are too cold. They ought to be made to walk.

You ask me the best time for walking. The best time is in the sun in fall and winter, but if you cannot walk then, the best time is whenever you can walk. Of course, if you walk home at night during the long winter months you walk after dark. Morning walking is very refreshing.

Yes, the walking of men like Weston does much good by example. It starts other people walking.

In the country, the best companion for a walk is a dog. A half dozen dogs is better yet.

No, you do not want any book while you are walking. You want to think. In the country you can loiter about. You do not need to walk fast and should not do so. Observe nature. When you come to a barnyard go in and see the pigs, and the fowl and the cows. Climb a fence now and then and go into the fields and look at the crops or the cattle. I know of no place where there is more philosophy than in a barnyard. You can learn much from animals. Within their circle they know much more than we do. Some of them see and hear things that we are incapable of

seeing and hearing. Very few animals improve by age. A little pig a day old knows as much as his mother, and it is the same with a calf or a colt.

I do not like to walk in a park. I hate the roads and walks in parks. I do not like winding roads. I like to see where I am going. Crooked roads are irksome.

You want to know what about mountain climbing. I have done some of that in this country and in Switzerland, but I do not recommend it. The heart should not be abnormally taxed. Of course, if your weight is in your favor you can do some climbing. I went down the other day and walked up ten flights to the top of the building where the terrible fire was, as I wanted to see the floors which were burned out. If you want to test your heart just walk up ten flights without stopping. If you can do it you are all right, no matter what your age is.

Yes, I regret the falling off in bicycling. I enjoyed it for years and it did me the world of good. If people will not walk I would advise them to ride the bicycle. It will renew their lives. They will be so changed in a month that they will be astonished.

What nation, you ask, gets the most out of walking. The English. They are great walkers. When I go to London I love to just stand and see them walking down into London in companies in the morning. The sight is inspiring to me. They walk in from miles around. Here people are afraid to walk a mile. The greatest rapid transit facilities in the world are right here in our American cities, notwithstanding all the grumbling that is going on. Wherever you are here in the city of New York you have a street car at your elbow. The result is that everybody rides and almost nobody walks. This is harmful. It would be a good thing if we had to walk more or less. In England they walk way out to places of recreation. Now, I do not know what else to say to you. The subject is summed up very easily. Cultivate the habit of walking and you will never give it up, and it will keep you in health and make you charitable and forbearing. If you

take no exercise you become dyspeptic. Your blood gets thin, and you find fault with everybody, and by and by you hate everybody, and then you want to be mean to everybody. That is a terrible condition to be in. Don't you think so? But if you are in it just get out of it by walking a few miles every morning and evening. Go out and walk in the dark if necessary.

*Progress of Disease Prevention*

June 5, 1911.

Dear Dr. Doty: I thank you for sending me your new book, "Prevention of Infectious Diseases." I did not lay it down until I had finished it, it interested me so much. The progress of disease prevention in the last century was great, and in the latter part of it marvelous. Modern sanitation has almost done away with diseases in the Western world which formerly ravaged mankind there. The most terrible of all was that known under the vague name of "plague." It often destroyed from one-quarter to one-half of the population in a few months. Cholera and smallpox came next in destructiveness; and other diseases went on unchecked. As you point out, the discovery of the germ origin of diseases in the last century by Pasteur and Koch has revolutionized sanitation and disinfection. Long standing rules of disinfection have become obsolete in the case of certain diseases. The theory of the communication of such diseases by bedding, rags, clothing, money, and through the air itself, has been exploded by the discovery of their germ and just how it enters the human body and infects it. The germ of cholera can only enter by the mouth in drink or food and is therefore easily guarded against by following a few simple rules of boiling and cooking. The germ of yellow fever can only be communicated by the bite of a mosquito, and more than that, by the bite of only one particular variety of mosquito, which inhabits only a limited number of southern localities.

It does not exist in the northern part of this country. You therefore do not need to bother with yellow fever subjects coming into this port, as you point out, except to see that they do not move on to a locality inhabited by the yellow fever mosquito. You clear up in my mind something that made me doubt the mosquito theory at first. The late Dr. Homer L. Bartlett, of Flatbush, worked in the yellow fever epidemic at Bay Ridge when a young man in about 1848, I think. He often spoke to me about it years later. The bedding of the yellow fever ship was thrown overboard and floated ashore, and he said that was how the disease was communicated ashore; that one or some got it by contact with the bedding, and others from them, and so on, until a large part of the community had it. When it was announced a few years ago that the disease could be communicated only by Mrs. Mosquito, of a certain variety which does not exist hereabouts, I kept thinking of the Bay Ridge epidemic, but you make it all plain. Mrs. Mosquito was aboard the ship also and went ashore, and there you are. But I am not so thoroughly convinced of what you say about rats carrying diseases ashore from ships and spreading them by their fleas. I give the benefit of the doubt to Brer Rat, the same as I often have to do in the case of some human beings who are quite as nasty and annoying as real rats are, and resemble them very much in their conduct and methods. I fear the case against Mr. Rat has been too much taken for granted.

I am glad to see your lucid and useful volume so free from Greek nomenclature and terminology. I seldom read a scientific book without being confirmed in my opinion that the adoption of Greek roots or compounds to express our scientific names was a great mistake. It would be much better if we used Anglo-Saxon roots and compounds for that purpose, the same as the Germans use German roots and compounds. Then everyone could read an English scientific book without a dictionary at his hand as easily as the Germans read their scientific books. The result would be a universal diffusion of scientific knowl-

edge in the English-speaking countries as in Germany. As it is, it is irksome to anyone to read an English scientific book who has forgotten or never studied Greek.

I read with great interest your account of your destruction of mosquito propagation in the marshes on Staten Island by means of tidal drainage by ditches, for, as you remember, we looked over that work together.

Dr. Alvah H. Doty, Health Officer,  
Port of New York.

*Every Citizen A Policeman*

June 7, 1911.

Dear Sir: Your letter of June 7 is at hand. You ask if you could be appointed a police officer to serve without pay, for the reason that you see "so many violations of the law, spitting on the bridge platforms and walks, rowdyism in many ways, etc.," that you would like to have authority to arrest the culprits. My dear sir, let me tell you that every citizen has full legal right to arrest anyone whom he sees committing any criminal offense, big or little. The law of England and of this country has been very careful to confer no more right in that respect upon policemen and constables than it confers on every citizen. You have the same right to make an arrest for an offense committed in your presence that any policeman has. But we cannot all be bothering with making arrests, so we employ a certain number of our fellow citizens for that purpose, and put blue clothes and brass buttons on them. But their clothes and their buttons add nothing whatever to their right to make arrests without warrant. They still have only the same right which the law gives to all of us. Be so good as to look at section 183 of the Code of Criminal Procedure and be convinced of your powers, and then sail right in as hard and as fast as you want to, being careful, however, only to arrest guilty persons, for otherwise your



victim's will turn around and sue you for damages for false arrest. Policemen have to take the same risk.

Miner H. Paddock, Jr., Esq.,  
New York City.

*A Government of Laws, Not of Men*

June 7, 1911.

Dear Sir: I am in receipt of your letter saying that all clubs should be closed at 10 o'clock at night, also all saloons, and also that piano playing and singing should not be allowed at any hour of the night, especially in summer, when people cannot close their windows, so as to shut the noise out.

I hereby authorize you to carry out all of these reforms. It may be that you will first have to get elected to the Legislature, and pass laws therefor, for you know this is a government of laws, and not of men, that is to say, those put in office may not do as they like, but may only carry out the laws as they are passed by the Legislature. Did you never hear of this before?

E. H. Jones, Esq.,  
New York.

*Free Water Supply in Households*

June 13, 1911.

Dear Mr. Harding: Your favor of June 12 is at hand. I entirely agree with you in regard to putting water meters in dwellings. I do not believe in charging for water according to meter for domestic purposes, or for use in dwellings or tenements. I examined the matter very carefully over a year ago and came to that conclusion, and I see no reason to depart from it. If heads of houses had to pay for water according to meter, they would be uneasy every time their wives and children took baths, for such is

human nature. The result would be discomfort and uncleanliness. Every one would hesitate to take a bath, sooner than add to the household expense. This would be particularly so among the poor and people of moderate means. I believe in getting an inexhaustible source of water supply, and letting every one use all the water he or she wants for washing and bathing and domestic purposes. That is necessary to keep the community clean and in a good sanitary condition. Tell your Association to stick to this.

Harold H. Harding, Esq.,  
New York City.

*The Art of Living Long*

June 16, 1911.

Dear Mr. Butler: I thank you very much for sending me your edition of Cornaro's "The Art of Living Long." I read extracts from it several years ago in a little book of that other long-lived man and physician, Dr. Thompson, of England, who died in the last century at a great age, but was born in the preceding century. On receipt of your book I looked through my library but was unable to find Dr. Thompson's book.

There is abroad an exaggerated notion of Cornaro's way of living. He was abstemious of food, but not to the exaggerated extent which we often find stated. He did not starve himself; he would not have reached the great age of 102 if he had done so. He drilled himself to the habit of eating just enough and no more. I think most any of us could get along with what he ate. He tells us that he limited himself to fourteen ounces of wine a day. There is a great deal of nourishment in that amount of wine. Very few of us drink any wine. And then after telling how abstemious he was he makes this very naïve statement: "First, bread; then bread, soup or light broth, with an egg, or some other nice little dish of this kind; of

meats, I eat veal, kid and mutton; I eat fowls of all kinds, as well as partridges, and birds like the thrush. I also partake of such salt-water fish as the goldney and the like; and among the various fresh-water kinds the pike and others." Do you not think that you and I could get along pretty well on this same diet? However, the essays of this venerable Italian of the Sixteenth Century, on how to eat and how to live, are of great interest and value, and I hope you may succeed in getting them generally read, for they would make abstemiousness and the simple life more general than they now are, with the result of making life happier and longer.

William F. Butler, Esq.,  
Milwaukee, Wis.

*Night Courts Unnecessary*

June 20, 1911.

I am one of those who have doubted that we needed any night court at all. About all that they exist for is to let people go who should not have been arrested at all. When I attended a session of the night court sixty per cent of those brought in had to be discharged on the spot for the reason that they should not have been arrested at all. They were arrested for all sorts of frivolous and ridiculous reasons. I am trying to stop that kind of arrests by the police and if I succeed there will not be much doing in the night court. As for the criminal classes, I doubt if we ought to be in any great hurry to discharge them during the night. It is time enough to arraign them in the morning.

*On Cruelty to Horses*

July 10, 1911.

Sir: The other night when we rode up and down the territory where the experiment of the fixed post is being

tried, we were both surprised at the number of dead horses in the street. I have been watching the horses ever since, and I see many of them overloaded in the most cruel manner. Please take the matter in hand and have the police instructed to interfere in all cases where horses are overloaded, and if necessary make arrests.

Rhinelanders Waldo, Esq.,  
Commissioner of Police.

*On Special Policemen*

July 26, 1911.

Sir: I beg to enclose to you a letter from Major General Grant calling my attention to the fact that two privates of the United States Army were excluded from the Sulzer Dancing Pavilion at Coney Island on July 4. Will you be so good as to make a careful examination of this matter, and report to me all of the particulars.

I note that General Grant says in his letter that Special Policeman G. Clark, in accordance with the instructions of the proprietor, excluded the soldiers. I had supposed that all these special policemen, hired out by the Police Department to private individuals to do their bidding, and who often commit the grossest outrages at the command of their employers, had been called in and their badges taken from them. If any have been allowed to remain through oversight, please have them removed at once. It is contrary to the first principles of government to put public officers in the employ of private individuals, to be paid by them, and directed in the performance of their duty by them. If they do not do what these private employers tell them to do, then they are discharged. The result is that many wrongs are perpetrated by these special officers at the command of the private individuals who employ them. Such a condition is intolerable. Let private individuals and corporations hire their own watchmen and

servants as best they can. We should not create policemen to be hired out to them and put under their orders.

Rhineland Waldo, Esq.,  
Commissioner of Police.

*On Special Policemen*

July 27, 1911.

Sir: The objection to special policemen is to allow them to be in the employ and pay of private individuals. It is contrary to the first principles of government to allow such a thing. No public officer should be in the employ and pay and subject to the orders of any private individual or corporation. To put him in such a position is to make it inevitable that he will obey the orders of his employer instead of acting as a sworn public officer from the standpoint of his public duty and judgment only, as all public officers should do. How can he do otherwise than obey his employer when he may refuse to pay him and discharge him unless he obeys his orders.

The case of the public service corporations who carry passengers may be different. They perform a public function, and the City may therefore need to police them to a certain extent to protect passengers. Will you be so good as to prepare me a report on that subject. Let me know the extent to which we police them now, and how it is done, and how in your judgment it should be continued, if it is to be continued. It may be proper to police them by special policemen whose salaries are paid by them; but in that case we should not make special policemen of any one or every one presented by these corporations, but should, on the contrary, constitute a special squad of special policemen and assign them for that kind of duty under direction and control of a discreet officer, and change them from time to time, so as to do away with the possibility of the companies making them presents in order to induce them to do things which they should not

do, as in the case of strikes, and the like. And, also, the companies should deposit a fund with the Police Commissioner in advance for the payment of their salaries. They should not be dependent on the companies for payment, but on the City.

I suppose you are well aware that when these special officers commit an unlawful arrest or battery and their employers are sued for it, the courts decide that the employers are not liable, on the ground that such special officers being public officers are presumed to act from the standpoint of their public duty, and not under the orders of their employers. In order to recover against the employer it is necessary to prove that he ordered the unlawful thing to be done, whereas, in the case of his regular employees he is liable for their unlawful acts, as a rule, whether he directed them or not. By having these special officers, employers shirk such liability.

You also know the trouble I had with these special officers in the cloak makers' strike, the express companies' strike, and other strikes. The special officers in the employ of employers in strike disputes commit all sorts of unlawful acts. In the cloak makers' strike the employees came to me and asked me to have a list of their men designated as special officers for them, as they had as much right to special officers as the other side had. I had to admit that they had as much right to them as the employers had, and I therefore allowed neither side to have them, but had the regular police preserve order. This proved to be satisfactory to both sides in every strike, and it is the only lawful way.

Rhinelanders Waldo, Esq.,  
Commissioner of Police.

*Boys in Streets*

August 10, 1911.

Dear Madam: Your favor complaining of boys playing in the streets is at hand. You ask if a law could not

be passed prohibiting boys playing in the streets, saying that it "would be a blessing to humanity." I might ask you whether if such a law were passed you think it could be enforced? Our boys have a hard time to get along in the crowded districts of the city. They must play somewhere. I went around to the recreation piers the other night and found great numbers of them there, but they cannot all go there. We must bear with them. Have you any boys? If you had do you think you could keep them off the streets?

Mrs. Jessie F. Stearns,  
New York City.

*Street Ball Playing*

August 10, 1911.

Dear Boys: It is too bad that you cannot play ball somewhere in peace. Of course the police cannot always let you play on the street, but now and then they can wink so hard with both eyes as not to see you when you are doing no harm to passersby and the street is not crowded. In the parks you may only play on the places assigned to baseball playing. The keepers will not chase you out unless you play where baseball is not permitted. I wish we had the grounds for you all to play, but unfortunately we have not. So, boys, do the best you can, and I will help you a little now and then if you send me word.

Masters LeGrande Sampson, William E.  
Westbrooke, Samuel C. Ward, Jr.,  
Joseph Carey and Raymond Luetke,  
New York City.

*A Book Excluded from the Library*

August 14, 1911.

Dear Miss Holland: On your complaint that Mr. George H. Brennan's novel "Anna Malleen" was un-

## MAYOR GAYNOR'S LETTERS AND SPEECHES

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justly discriminated against by the trustees of the Public Library, by their refusal to admit it into the library for circulation, I looked it through last night, after trying hard to read it consecutively. I am satisfied that the notion of the author that his book was excluded on moral grounds is erroneous. It is quite harmless, but very stupid. It must have been rejected on that ground. I cannot help calling to mind that scene of Cervantes in which he pictures the priest, the barber and the niece sitting in judgment on the books of Don Quixote's library, sparing a few, but committing all the others to the flames, and especially the stupid ones. If this book had been there I am certain it would not have escaped the flames.

Miss Mildred Holland,  
New York City.

### *To a Clerk Who Objected to Working Overtime*

December 6, 1911.

Sir: If I were you I would do everything I was asked to do. That is the way to get on in life. Did you ever hear it said that he who takes care to do no more than he is paid for will never be paid for more than he does? Go right in and do everything from sunrise to sunset and you will go right up all the time. What do you think of that?

Mr. Joseph Donahue,  
New York City.

### *Roof Playgrounds*

August 29, 1911.

My Dear Boys: Your several letters informing me that you won the ball game on the roof playground of



Public School 188 last Thursday night, and reminding me of my promise to send a set of balls and gloves to the winners are at hand. I note that one of your letters seems to betray doubt that I will keep my word. I do not blame the writer for his doubts, considering the many ill things which are being publicly said of me. They may well create doubts even in the minds of the boys. I am sending you a box of twelve balls, and also a set of mitts and gloves. I want to tell you how much I enjoyed my visit to the roof playgrounds of the public schools last Thursday night. I never saw finer dancing by girls. I hope that the boys will be given dancing lessons next year. I regret that these playgrounds were closed so early as August 26 for lack of music. Next year we will try to remedy that also. The playgrounds and piers ought to be kept open as late in the season as possible. I also thank you for electing me an honorary member of your ball club.

Master Benjamin Blau,  
Crotona Ball Club,  
New York City.

### *On Making Restitution*

September 6, 1911.

Dear Sir: Your letter is at hand. You state that some years ago you were a witness before me when I was a judge, and a false witness, and deceived me, so that I decided the case wrongly, and that you make this confession to me because you have become a Christian and want forgiveness. According to my views you have to do more than this to be forgiven. You have to make amends. Mere talk does not purchase forgiveness. Where anything is stolen or got unjustly it must be refunded before forgiveness can be expected, if the sinner be able to refund. That is the way I understand it. So you had better tell me what the case was so that I may look it up and see

be the sort of man that will do that sort of thing. If I had time I would marry you all for nothing. How would that go? It would evidently suit some of you, but ninety-nine out of every hundred would want to thrust a fee into my hand, for such is the good nature and generosity of the normal man to the man who marries him to the girl of his choice.

Ralph E. Cron, Esq.,  
New York City.

*Calling Out the Military*

Nov. 14, 1911.

Dear Mr. Stanton: Your letter is in error in some particulars. The men who quit work in the Street Cleaning Department are not two-thirds non-citizens as you state. On the contrary, they are all citizens either by birth or naturalization. So your advice to deport them has no foundation. Nor do I intend to call out the military. This is not a government of military force. It is a free government. We call out the military only in case of dire necessity, that is to say, when the regular civil authorities are unable to put down tumult. Do you not understand this? I do not like to have people write me to call out the militia and shoot people down. A Mayor of New York would have to forget himself to do a thing like that except in the last extremity. I hope the time is far distant when it will be necessary to call out troops to shoot any one down. Ours is a government of law, and the military power has to keep its hands off until the regular agencies of civil government are unable to preserve order.

Willard G. Stanton, Esq.,  
Manhattan.

*Propagating Vices in Prisons*

November 22, 1911.

Sir: Your favor of November 20th informing me in full of the great necessity of a new reformatory, and a new workhouse with a single cell for each inmate is at hand. The account you give of an average of eight men to each cell, and of four women to each cell, and the immoralities which inevitably result therefrom, is most distressing. We are arresting and convicting people for certain vices not very easy to mention by name, and at the same time by confining more than one person in each cell in our penal institutions we are encouraging and propagating these very same vices. You also point out that in place of there being an air space or ration of 400 cubic feet to each person, as the laws of modern hygiene require, there is a space or ration of only 226 cubic feet. It is not to be wondered at that all the prison congresses, international, national and state, have through their visiting committees condemned these things as uncivilized. No doubt the funds should be appropriated forthwith to remedy these evils, although the amount necessary may be millions. The trouble has been for the last few years, and is now, a disposition in the government of the city to cut down all expenses to the last dollar, and to omit necessary appropriations entirely, especially in the case of expenditures chargeable to corporate stock, in order to have funds or borrowing credit to build subways. Some of us have tried to remove this condition by getting the offer of operating companies to put up part or all of the money necessary for subway construction accepted by the city. As you are aware one company offered to put up about \$100,000,000 for that purpose, but in one way or another its offer was not adopted but frittered away. I am quite certain the Comptroller is alive to this matter, and I trust that the subways will in the end be financed by private capital to an extent which will leave us a corporate stock margin adequate for the things which you

mention, and for hospitals, court houses, bridge approaches, parks and playgrounds, and many other things which I need not mention and which are now held up. The notion was propagated in the community by false statements daily repeated in certain newspapers, that if the operating companies put money into subway construction they would own the subways, whereas the subway statute is such that only the city can build and own subways, whoever puts up the capital, and the operating companies cannot get a lease or franchise one day longer by putting up capital for subway construction. Whether the city puts up the capital or the companies put up the capital the franchise they get is the very same. I have always deemed it lamentable that one or two newspaper proprietors should have been able by the persistency of their false statements to propagate a contrary notion even among intelligent people.

P. A. Whitney, Esq.,  
Commissioner of Correction,  
New York City.

*Advising Jews to be Farmers*

November 27, 1911.

Sir: I regret that I am not able to be present at your meeting. Its object is to encourage the Jews to become farmers instead of crowding together in cities. We have here in this city a large number of Jews, 10,000 it may be, engaged in peddling, principally from pushcarts. It would be a great blessing to them if they could be removed from the city to farms. They certainly could not have a harder time to make a living as farmers than they have now. On the contrary they would make good livings as farmers. There is no reason why the Jews should not be farmers. Originally and for thousands of years, the Jewish race was given almost exclusively to agriculture. Everything should be done to induce the Jews to return to

agriculture. The reasons why they ceased to be agriculturists in the Christian world are very well known. I need not repeat them here. I trust your meeting will be of great benefit.

Joseph W. Pincus, Esq.,  
New York City.

*Cato as a Farmer*

November 28, 1911.

Dear Mr. Hubbell: I spent last evening most pleasantly reading Fairfax Harrison's translation of the elder Cato's treatise on farming which you sent me. It is delightful and gave me complete mental relaxation. The two thousand years which have passed since it was written have not detracted either from its charm or its usefulness. He even tells how to smoke and cure hams in substantially the way which has been used ever since. They knew as much about seed selection then as we know now. When I was a boy we used to use seed from our own crops, and the result was that the potatoes and corn grew smaller and smaller year after year, and for a long time we did not know what was the matter. When we brought in new seeds, especially from a more northern section, we had abundant proof of what the trouble was. His advice concerning manuring the land is perfect. We speak now of the soil being sour. Cato says that by taking a section of soil from the ground and pouring water through it and then tasting the water we can ascertain whether the soil is sour. If it be sour he says the water will pucker your mouth. His advice about buying a farm is very shrewd. A man from the city will go and buy a farm without looking to see whether there be a drop of water on it. Old Cato was too sharp for that. Nothing is more important on a farm than water. The suggestion that it is better to buy a farm in an undeveloped state, and have the

mention, and for hospitals, court houses, bridge approaches, parks and playgrounds, and many other things which I need not mention and which are now held up. The notion was propagated in the community by false statements daily repeated in certain newspapers, that if the operating companies put money into subway construction they would own the subways, whereas the subway statute is such that only the city can build and own subways, whoever puts up the capital, and the operating companies cannot get a lease or franchise one day longer by putting up capital for subway construction. Whether the city puts up the capital or the companies put up the capital the franchise they get is the very same. I have always deemed it lamentable that one or two newspaper proprietors should have been able by the persistency of their false statements to propagate a contrary notion even among intelligent people.

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*Cato as a Farmer*

November 28, 1911.

Dear Mr. Hubbell: I spent last evening most pleasantly reading Fairfax Harrison's translation of the elder Cato's treatise on farming which you sent me. It is delightful and gave me complete mental relaxation. The two thousand years which have passed since it was written have not detracted either from its charm or its usefulness. He even tells how to smoke and cure hams in substantially the way which has been used ever since. They knew as much about seed selection then as we know now. When I was a boy we used to use seed from our own crops, and the result was that the potatoes and corn grew smaller and smaller year after year, and for a long time we did not know what was the matter. When we brought in new seeds, especially from a more northern section, we had abundant proof of what the trouble was. His advice concerning manuring the land is perfect. We speak now of the soil being sour. Cato says that by taking a section of soil from the ground and pouring water through it and then tasting the water we can ascertain whether the soil is sour. If it be sour he says the water will pucker your mouth. His advice about buying a farm is very shrewd. A man from the city will go and buy a farm without looking to see whether there be a drop of water on it. Old Cato was too sharp for that. Nothing is more important on a farm than water. The suggestion that it is better to buy a farm in an undeveloped state, and have the

pleasure of clearing and developing it yourself, is capital. What he says about wine growing is useful in countries where wine is grown. It seems that old Cato used to have a good bout at wine himself occasionally. He also was very fond of cabbages. I am not certain whether his statement that if you have drunk too much wine at dinner you have only to eat five cabbage leaves next morning to feel as though you had drunk none is correct. Suppose you and I try that some day and see. Your farm is up in the Berkshire Hills, while mine is down on Long Island, but I suppose we both raise some cabbages.

Charles Bulkley Hubbell, Esq.,  
New York City.

### *Books*

December 4th, 1911.

Dear Mr. Smith: I thank you exceedingly for the edition of *Don Quixote* which you sent me. The illustrations by Doré are grand. The translation I notice is by Motteux. Of the English translations I deem that by Jarvis the best. It is so deft and nimble. I imagine that it approaches the spirit of the original more nearly than any of the others. When a younger man I often entertained the intention of trying to learn Spanish in order to read *Don Quixote* in the original. I envy your being able to do so. In translating a work of imagination it is almost always necessary to depart from literalness in order to give the genius and spirit. This Jarvis does, while Motteux is often painfully literal. And yet his literalness brings out some things that should not be lost. For instance, in the account of *Don Quixote's* manner of living, and what dishes he ate each day of the week, Jarvis says, "an omelet on Saturdays," which is certainly common-place enough. But Motteux gives the original exactly, namely, "griefs and groans on Saturdays," which was some kind of a mixed dish which evidently



caused belly ache, or some sort of distress in the paunch. But cases like that are few, and the nimble and light touches of Jarvis which let you right into the spirit of the narrative are often departures from the literal rendering of the original. At best a translation of a work of imagination bears about the same resemblance to the original as the reverse side of a tapestry to the true side. That is why I am sorry I do not understand Spanish as you do. If I did we could continue that discussion of the writings of Cervantes which we commenced on the train up from Richmond.

Let me cite a passage or two to show how much more attractive the translation of Jarvis is. After Don Quixote is knocked down by the sail of the wind-mill, Sancho Panza comes galloping up on Dapple and says, according to Motteux: "Mercy on me, did not I give your Worship fair warning? Did not I tell you they were wind-mills, and that nobody could think otherwise unless he also had wind-mills in his head?" But Jarvis more nimbly says: "God save us, quoth Sancho Panza, did not I warn you to have a care of what you did, for that they were nothing but wind-mills, and nobody could mistake them but one that had the like in his head." And again, speaking of the company at Antonio's house who were entertaining Don Quixote, Motteux says: "Among others were two ladies of an airy and waggish disposition." Contrast this with the way Jarvis puts it: "Among the ladies there were two of an arch and jocose disposition." But I must not multiply these instances except to quote the rendering of a proverb. Motteux makes Don Quixote say to Sancho: "I have always heard it said that to do a kindness to clowns is like throwing water into the sea." Jarvis has it that "to do good to the vulgar is to throw water into the sea."

Cervantes and Shakespeare died on the same day—or rather one died ten days later than the other according to the modern reckoning of time, but I do not remember which. But I find they made use of the same expression.

Sancho Panza is made to say, "There is some difference between a hawk and a handsaw." Shakespeare says in *Hamlet*, "I know a hawk from a handsaw."

Years ago I copied every proverb, or philosophical or wise saying there is in *Don Quixote*. I think that an equal number of good ones is not found in any other book except the Bible. I am half tempted to quote a few to you and let you compare them with the original. "Who but a madman would mind what a madman says," is one. "Diligence is the mother of good fortune," is another. And this: "It is pleasant to govern though it be but a flock of sheep." And this: "Some people go out for wool and come home shorn." And this: "Letters without virtue are pearls upon a dunghill." And this: "Though habit and example do much, good sense is the foundation of good language." And this: "When they give you a heifer be ready with the rope." And this of the same meaning: "When good fortune knocks, make haste to let her in." And some or all of those elected to office might well say with Sancho Panza when his old clothes were being taken off and he was being dressed up in his official garments when he was entering upon the government of his island: "Clothe me as you will, I shall be Sancho Panza still." And it were well if they could all say, as Sancho did when he gave up his governorship and they had stripped him of his official garments to reclothe him with his old ones: "Naked came I into this government and naked come I out of it." And let me wind up with this one which the ladies might take offense at: "Between the yea and the nay of a woman I would not undertake to thrust the point of a needle."

And while I am at it, and since we went into this book talk on the train at all, I will set down for you the books which I think have had the largest effect on my life. I will give them in the order in which I think I was affected by them:

The Bible,  
Euclid,

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Shakespeare,  
Hume's History of England (especially the notes),  
Homer,  
Milton,  
Cervantes (Don Quixote),  
Rabelais,  
Gil Blas,  
Franklin's Autobiography and letters,  
Plutarch's Lives,  
The Autobiography of Benvenuto Cellini,  
Gibbon's Decline and Fall of the Roman Empire,  
Adam Smith's Wealth of Nations,  
Bacon's Works.

I have left out of this list those works on what for want of a better name I may call the philosophy of history. I have derived immense satisfaction and, I hope, much profit, from them. And no doubt I have omitted some books I would mention if I took the time.

R. A. C. Smith, Esq.,  
New York City.

### *Grand Jurors*

December 6, 1911.

Dear Sirs: On consideration I do not wish to recommend that the Board of Aldermen give you extra pay. Men fit to serve on Grand Juries ought to be willing to do it for the honor of it. Grand Jurors have a high function to perform, and ought to be men who know that they are not to be led by the nose by the District Attorney, the Judge, or any one else.

Messrs. Henry W. Smith,  
John R. White,  
Robert F. Craig,  
Brooklyn, N. Y.

*Arresting Boys*

August 29, 1911.

Sir: William Eagen, an 18 year old boy, residing with his parents at 53, Fourth Avenue, Brooklyn, complains to me that Detective Barry arrested him in the street, locked him up in the station house over night on the charge of vagrancy, and the next morning when the case was called in court Detective Barry made no charge against him. Please make a most careful examination into this case. It will never do to allow boys to be arrested and locked up over night for no offense. Please let me have a full report of the matter.

Rhinelanders Waldo, Esq.,  
Commissioner of Police.

*A False Police Report on a Boy's Arrest*

December 19, 1911.

Sir: Some months ago I wrote to you of the case of the eighteen year old boy William Eagen, who called upon me in person and made his complaint. He has been well brought up, and has always lived at home with his parents at 53, 4th Avenue, Brooklyn. Detective Barry arrested him in the street near his home on August 24th last without a warrant. He had never before been arrested or accused of any offense. He was taken to the station house and locked up over night in a cell. The next morning the said officer arraigned him before a magistrate, and made a written complaint on oath that he was a vagrant, i. e., a person without a home, wandering about, and with no means of support. The officer knew that this was untrue. The boy lived at home and worked daily with his father who is janitor of 17 buildings. When the case was called on August 28th for a hearing, the officer stated that he could not prove the charge, and the boy was discharged. In my letter to you I asked for a full report of the matter. Later you sent to me the report of Inspector Hughes, chief of the detective bureau, concurred in by the Second

Deputy Police Commissioner. That report disclosed that the real reason for the boy's arrest was that a burglary of the apartments of C. W. Daniels, at 449, State Street, Brooklyn, had been committed, and that the boy was "suspected" of having committed the same. The things stolen were a watch, engraved with Mr. Daniels' name, a locket, studded with diamonds, and engraved in the same way, and a double chain and fob. The reason for such suspicion given in the said report was that the father of the boy was janitor of the building in which Mr. Daniels had his apartments, that the bulldog did not arouse Mr. Daniels when the burglar entered, that therefore the burglary was committed by some one on good terms with the bulldog, and that therefore the burglar was probably young Eagen. Such was the farfetched if not ridiculous theory. The report went on to state that after being arrested and on his way to the station house young Eagen told the officers who had him in charge that the locket lost by Mr. Daniels contained 17 diamonds, that it had been broken up, and that it was useless to look for it. The report also states that while young Eagen was locked up in the cell another officer heard him state to a prisoner in an adjoining cell, who had been arrested on suspicion of the same offense, "I think they have got it on us," to which the other prisoner responded, "Shut up, some one might be listening." The name of this other prisoner is Grant, hereinafter mentioned. To this report was attached a letter of the Second Deputy Commissioner to you stating that in his opinion the action of the officer who made the arrest and false charge of vagrancy was justifiable. I felt constrained to write to you that his conduct was unjustifiable. The boy was not a vagrant, and the charge against him was false. The alleged confessions were stated to have taken place after the arrest, and were not revealed to the magistrate at all. I also expressed the view that the so-called evidence given in the report that the boy had committed the burglary was no evidence, and that the alleged confessions stated in the report were

trumped up after the boy's discharge, and after I had called for a report, for the purpose of trying to justify the arrest. Nothing further was done at that time, however, as the said chief of the detective bureau said that the investigation was still going on and that it was expected that sufficient evidence would be obtained against the boy. But instead of any evidence being obtained against him, one Alexander Moore has since been arrested, indicted and convicted of the burglary and is now serving a term in State's Prison therefor, as I have learned. Pawn tickets for the stolen articles were found in his pockets. The stolen articles were all obtained in the pawn shop. The diamonds had not been taken out of the locket. In a word, the whole report has been proven to be false in every substantial particular. The statement that this boy made anything in the nature of a confession is now known to be entirely false, as he knew nothing at all about the matter. The report also states that when the boy was discharged by the magistrate his mother who was present exclaimed: "I am going to write to Mayor Gaynor and give you fellows the same dose that Duffy gave the officers in his case"—alluding to young Duffy who was arrested time after time by the police and locked up, and his picture put in the Rogues' Gallery, for no offense whatever. I have sufficiently ascertained that she had not up to that time ever heard of the Duffy case, and therefore could not have made such a remark. Also she is not a woman who would express herself in that manner.

The case calls for discipline of the officers engaged in it. It is also necessary that this matter be made public so that this boy may be fully vindicated instead of being injured for life. It will never do for the police to treat boys in this way. I should also mention that another young fellow named Henry Grant was arrested on suspicion for the same crime. The chief reason for his arrest seems to have been that when a boy he had served a term in the Elmira Reformatory. He was discharged as reformed. The police should be very careful about ar-

resting boys who have served a term in a reformatory. To follow them up and arrest them on sight, on the slightest suspicion, or on no suspicion, as is often the case, after they come out, and even follow them to the places where they are employed, and procure their discharge, is to leave no course open to them except to become habitual criminals. This boy Grant was employed as a chauffeur. I understand that he lost his place because of his arrest. I trust that this vindication of him will suffice to enable him to get other work to do. The police must be made to understand that they cannot arrest and lock people up as they like, but that they must keep within the law. The only way to enforce the law is the way prescribed by law. That which cannot be done lawfully must not be done at all by the police or any other public officials from the President of the United States down. This is a government of laws and not of men.

Rhinelanders Waldo, Esq.,  
Commissioner of Police.

*Coffee Drinking*

December 20, 1911.

Dear Mr. Gilmore: I thank you very much for the package of coffee which you sent to my house. It will do me much good. I did not begin to drink coffee until I was past forty, and I therefore get all the effects of it, and very little suffices me. Before I took to drinking a little diluted coffee I drank cold water for breakfast, dinner and supper.

William G. Gilmore, Esq.,  
New York City.

*"Happy New Year"*

December 31, 1911.

There is less misery in this world than some miserable people think. Misery seems to be happiness to some peo-

ple. If they happen to be without some mental worry or misery they think they are sick. Every one is happy in some way. The predominant feeling in the world is one of happiness. We often imagine that if this or that happened to us, or if we met with some accident, or were sick, we would not be happy. But the one who has lost a leg or an arm, or even his voice, or his hearing, or his eyesight, is generally happy.

And this is the happy season of the year.

Nothing makes us so happy as to read the account in Luke's Gospel of the birth of Jesus. It thrills us. The picture of the Child in the manger with the cattle looking on never leaves the mind from childhood up.

We who were children in the country saw the cow and the ox and the manger and Jesus and all. We lived with the cattle and loved them. That Jesus was born among them made us feel that He was really one of us. It is the central point of democracy in the world.

Some are fond of picturing infants born in castles and with great surroundings. But this picture of Jesus born among the cattle in a manger is the one which reaches every human heart, high and low. Humanity everywhere responds to it.

And in the midst of this elation of soul over the birth of Jesus comes the beginning of the new year. We are looking on the bright side of everything, and are able to begin the new year well.

We are filled with good intentions and are ready to make promises for our future conduct. But we have to keep renewing these promises. In fact we have to renew them every morning in order to accomplish much.

But if we start with a strong impulse we are likely to keep it up.

Christmas and New Year's were great days in the country when I was a boy. The greeting was "Merry Christmas and Happy New Year" everywhere. It was nothing but good will to everybody.

And then later on came Easter. The birth of Jesus



and the day of His Resurrection are the happiest days in the year. The heart is filled with joy in spite of one's self. With many Easter is a sort of renewed Christmas, and it was so when I was a boy, although there were some who thought very little of either Christmas or Easter. Where I lived the winter had hardly gone at Easter. But the thawing snow, the singing of the hens, the cows licking themselves and one another in the barnyard sun, the sharp crack of the bursting trees in the woods, and many other signs, told us that the winter was passing and the spring arriving. Those were great days.

The city children and the city people have great days also. The point of view is different, that is all.

And so you say next year is leap year. That tickles the vanity of all young fellows and men who think that every woman they meet is disposed to fall in love with them. But I do not think the women care much about leap year. They can propose if they want to, but, bless them, leap year or no leap year, they would rather have the fellow propose to them.

No, I do not approve of this roystering, and I may almost say drunken "old year out and new year in" which some people celebrate here in New York. I would like to see it done away with.

*Pawnshops*

Jan. 4, 1912.

Sir: I enclose to you a complaint of Marie Behrman. Please have the matter investigated thoroughly.

May I also now repeat what I said to you orally some little time ago, that the habit of detectives telling persons whose property has been stolen and pawned, that they must pay the amount advanced on or paid for the article in order to get possession of it, should be done away with. The law is that no one is required to pay anything in order

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to get back his stolen property. Nobody can get any title or lien on it. The force should be warned to stop this practice absolutely, and a violation of the rule should merit dismissal. The pawn brokers should not be mere receivers of stolen goods, as some of them now seem to be, with the aid and good will of detectives.

Rhinelanders Waldo, Esq.,  
Commissioner of Police.

### *Rogues' Gallery Injustice*

January 8, 1912.

Dear Mr. Waltzer: On receiving your letter informing me that your picture was unjustly in the Rogues' Gallery, I at once inquired into the case. I found it to be just as you state, namely, that you had never been arrested but once, and that the charge of larceny made against you then by a policeman was found to be unfounded and you were discharged. Nevertheless your picture was put in the Rogues' Gallery labelled "General thief," and it has been there ever since. I have had it taken out of the Rogues' Gallery and I am herewith sending it back to you. I would also like to do whatever else I can to make amends for the very great wrong which has been done to you. About the time you were treated in this way a large number of other boys in this city were being treated in the same way. But an end has been put to that sort of thing, and I trust forever.

Mr. Isidor Waltzer,  
New York City.

### *"The Single Tax"*

Jan. 26, 1912.

Dear Mr. Ellsworth: The bill which you call the Sullivan-Short bill has not been submitted to me. The

purpose of it is to throw all real estate taxes on the bare ground, and exempt the buildings. This means the carrying out of the theory of the late Henry George, i. e., to have a single tax, i. e., only one tax, i. e., on the bare land only, all buildings and improvements to go free of taxes. If you will get Mr. George's book, "Progress and Poverty," you will find the whole theory stated. The result of such a law would be to practically confiscate the values of all land in cities. The effect would be to absorb into the public treasury by means of taxes the entire ground rent, which may be fairly stated at somewhere from four to five per cent. of the value of the bare land. Of course if all ground rents should be absorbed into the public treasury, there would be no sale value of land left. To speak plainly, this would destroy or confiscate all such land values. You have to decide whether this would be just. Such a system of taxation may be the best. But as society has been constituted from the beginning under a different one, and people have invested their money in land values under that system, would it accord with justice for society to destroy their investments by a new system without compensating them for their loss? The subject is a big one, politically and morally. But read "Progress and Poverty," and see what you think about it.

T. Gardner Ellsworth, Esq., Sec'y,  
Farmers' and Taxpayers' Assn.

*Pawnbrokers*

February 7, 1912.

Sir: The practice had grown up in the police department of detectives telling persons whose stolen property was found in pawn shops to pay the amount loaned on the property in order to regain possession of their goods. They were told that they had to pay the said amount in order to get their goods. This was all illegal. A person

whose property is stolen can follow it anywhere and take it, and is entitled to take it by law. No one can get any property in or lien on stolen goods as against the true owner. An order was therefore issued prohibiting members of the force from advising or telling owners of stolen property to pay the pawnbrokers in order to regain their property. The result has been that many pawnbrokers are refusing to deliver up stolen property without being paid. I call your special attention to Manning Brothers who keep a pawn shop at 584, Eighth avenue, who refuse to deliver up the jewelry stolen from Mr. Suydam.

I am now instructing the Police Commissioner to send to you the name of every pawnbroker in the city who refuses to deliver up stolen goods without being paid the amount of his loan by the owner thereof, and you will please institute proceedings against them for the revocation of their licenses if they persist in this course.

James G. Wallace, Jr., Esq.,  
Chief of Bureau of Licenses.

*Police Control of Excise, Gambling and Prostitution*

February 10, 1912.

Dear Sir: Since you called on me with the other members of your committee on the police which was appointed at the mass meeting, I have continued to consider the matter of taking away from the police department the enforcement of the law with regard to excise, gambling and prostitution, and conferring that power and duty upon a new department to be created by the Legislature. After your call I requested Assemblyman Greenberg not to introduce the bill he prepared for that purpose (and which I handed to you), until your committee had fully considered it. If such a bill is to be introduced, I should prefer that it be under the auspices of your committee.

It is easy for the police to extort money from the keepers of hotels, saloons, gambling houses and houses

of prostitution, under threats of entering their places and arresting and prosecuting them unless they pay for immunity therefrom. And such persons are certain to seek to bribe the police. I found that condition in full blast when I came in as Mayor. It had existed for many years. The hotels, saloons, gambling houses and houses of fornication were paying a weekly or monthly sum for such immunity. The total sum was immense. I knew that the recipients would not let go of this graft at my mere bidding. I have been struggling persistently ever since to remove this condition. I think I have succeeded with regard to the saloon and hotel graft. I know that I have measurably succeeded in respect to gambling houses and houses of fornication. But to remove the evil entirely requires time, for it is of long standing and deep seated.

Police Commissioners Cropsey and Waldo have put many gamblers and keepers of houses of fornication out of business. The result has been to provoke some of them to reveal facts with regard to the bribery of the police. It seems to be lost sight of to some extent that all of these revelations of police bribery came from this enforcement of the law against the persons who made such revelations. It was to be expected that enforcement of the law would bring about such revelations. Rosenthal, for instance, opened twelve different gambling places successively after Waldo was made Commissioner, but was put out of business every time. While the police were still in possession of the last place which he opened he made revelations against the police. The same thing occurred in the case of Sipp, whose house of fornication was suppressed by the police. And the same is occurring with others. But most of the revelations which are being made are of things which occurred under former administrations of the city government, some of them as long as fifteen years ago. The effort of certain newspapers to make it appear that these revelations are of occurrences which took place since Waldo became Police Commissioner will not, I am certain, deceive any intelligent person. The ignorant may be

deceived for a time, but not the intelligent. Meanwhile, a considerable number of corrupt officials in the police department have been removed or compelled to resign. If we could get the old time grafters out, we would at the same time get rid of most of the graft. But it takes time and patience. They cannot be dismissed without strict legal evidence. This grafting in the cities in this country is of long standing, deep seated and inveterate.

But justice requires us to always remember that only a comparatively few of the members of the police force are thus corrupted and infected. There are not as many as 100 out of the whole force of 10,000. The great body of the force throughout the city, in Brooklyn, in Queens, in the Bronx, in Richmond, and in most of Manhattan, is doing its duty faithfully day after day. It is only in two or three localities in Manhattan that this graft evil exists. But the corrupt doings of the few corrupted policemen in these localities give the whole force a bad name, at all events in the minds of unthinking people. The result is an unfavorable effect on the whole force, more or less. It distracts it from its duty. And the indiscriminate abuse heaped on the whole force by corrupt and sensational newspapers for the derelictions of a few must of course have a bad effect also.

It therefore seems that it would be a wise thing to take away from the police force all supervision over or contact with the three things I have mentioned and confer the same on a separate force to be created for that purpose. Of course that new force would also be subject to the same temptation, and would be corrupted more or less. But their misdeeds would not reflect on the police force. The police force would be engaged solely in preserving the peace, and keeping outward order and decency, and in the detection and prevention of ordinary crimes, in the which opportunities for graft are small. It would have nothing to do with the enforcement of the laws concerning excise, gambling and prostitution, and would not be subject to the infection of corruption therefrom.

As I have said, this new force would be open to such corruption. But the danger thereof would be minimized if the commissioner of the new force were given the power to appoint and dismiss at will. That would enable him to select competent persons and to get rid of every member of the force of whom he had any suspicion. As it is now no member of the police force can be dismissed except on common law proof showing him to be guilty of some dereliction. If the same rule should be made applicable to the new force, then I do not see that anything would be gained by creating such a force.

After careful consideration I favor creating this new force. But I am not in favor of putting it under a board of commissioners to serve without pay. On the contrary, to be effective it ought to be under a paid commissioner who would have to devote all of his time to his duties. I have no doubt that better results in government are obtained from paid officials than from voluntary officials.

I have all the more reason to be in favor of this new method for the reason that I have adopted a similar method in the police force itself, and it has worked well. As you know I made up a separate force within the force itself to deal with the three things which I have mentioned, and relieved the rest of the force from dealing with such things. To leave all of the captains and inspectors free to deal with liquor saloons, gambling houses and houses of fornication is only to make extensive corruption certain. I tried to bring the contact with these three things down to one point, namely, to the commissioner himself. To do that I created a separate force which was placed under the immediate orders of the commissioner. As you are aware, one of the three lieutenants put over that force by the Commissioner was corrupted. But the extent of corruption was reduced many fold, and I have no hesitation in saying that it was never less in the police department for a generation than during the last two years. But although that method has measurably succeeded I think a new force, wholly disconnected from the police force, would work out

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a still better result. And above all things as I have already stated, whatever corruption there might be in that force would not reflect upon the police force.

I have a letter to-day from Assemblyman Greenberg who is restless about introducing his bill. I shall send him a copy of this letter, and it may be that he will wait until you have carefully revised his bill or drawn a new one. Or it may be wise for him to introduce his bill and have it printed so that it may be circulated. In that way we would get the co-operation of many others. I shall be glad to confer with your committee further about this matter, and to have a session with you in the near future.

Allan Robinson, Esq.,  
New York City.

*Cats*

March 8, 1912.

Dear Mr. Gerdes: I regret to say that I have so many official duties pressing upon me that I cannot just now devote any time to the tom-cats, as you request by your letter. There are a few in my neighborhood, but I go to sleep and let them howl. It amuses them and doesn't hurt me. But some say that it is the pussy-cats that howl, and not the tom-cats. How is that? We must not kill Tommy for the sins of Pussy. And, also, let us remember that the "female of the species is more deadly than the male."

Theodore R. N. Gerdes, Esq.,  
New York City.

*A Touch of Philosophy*

April 18, 1912.

My dear Doctor Finley: I am returning to you the fine edition of "Marcus Aurelius" which you loaned me.



The beautiful type and mechanical work added to the joy of again reading the philosophical reflections of that great ruler. He wrote them on his tablets for the mere joy of the thing. He does not seem to have desired to communicate them to posterity. But we must not rate them too high. To say that in their conception and morality they equal or approach the philosophy of Jesus, as do John Stuart Mill and others, seems to me a great exaggeration. Nor do they approach the philosophy and sublimity of the Old Testament in its conception of a universe subject to the fixed laws of one God-head. The re-reading of them has again produced in me the same state of mind with which I have always laid them down heretofore, namely: Consider that the great universe of which thou art only a trivial speck, is governed by fixed laws, and be therefore content in all things, and especially to die at any time, and abide God's will of thee, whether of individual future life, or dissolution into universal mind and matter.

My mind is all the more impressed with this now, for I have spent much of this day considering the death of those who went down on the steamship "Titanic," and preparing to take care of the survivors of that awful catastrophe on their arrival here tonight.

Dr. John H. Finley, President,  
College of the City of New York.

*Purchasing Carrots and Cabbages by the Department  
of Charities*

May 6, 1912.

Dear Mr. Fee: Your letter with regard to the rejection of your vegetables is at hand. I must say I deem the condition that the carrots be of one size as whimsical. What difference does it make whether they are of uniform size or not? They may look nicer, but will taste no better either to men or horses. You would have to have a good many acres of them to cull out any considerable number

of the same size. But maybe they think there is some way of growing carrots all of the same size. And the condition that your new cabbages be white in the head is another extraordinary notion. New cabbages are rather green. Late cabbages get white in the head after a while. I fear those who are rejecting your vegetables never raised either cabbages or carrots or anything else. Try them again, and see what they say? How would it do if we send them all out on a farm for a year or so that they may learn at least the difference between their knee and their elbow about vegetables.

James T. Fee, Esq., Manager,  
Contract Department,  
New York.

*Police and Boys Playing Ball*

May 15, 1912.

Dear Master Van Buren: Your letter complaining of the police chasing you and your companions out of the lot where you play ball is at hand. I will take charge of the matter and see what we can do. Most of the police behave with intelligence, but I am sorry to say there are a few stupid ones on the force yet that we would like to get rid of. A policeman ought to be the friend of the boys on his beat. I am very desirous of having the police let the boys play on every available lot or space in the city. In this case you have the permission of the owners, and I do not see why the police meddle with you, except to see that your ball does not fly over the fence and hit someone. You boys have to play somewhere. The people who think you ought to stay in the house all the time are also very stupid or else very ill-natured.

Master Charles Van Buren,  
Brooklyn, N. Y.

*Roost Higher Up*

May 23, 1912.

Dear Mr. O'Gilby: I sympathize with you in the loss of your chickens. My hen roost on Long Island has also been entered. You say there are sixty-five policemen in your precinct and demand more. Down my way there are only four constables in a territory about ten times as large as yours, with a population not much less. It is pretty hard to keep chicken thieves out of chicken roosts by policemen. However, I shall see what can be done for you and your neighbors. Can you not induce your chickens to roost higher?

William S. R. O'Gilby, Esq.,  
West New Brighton, S. I.

*To a Man Arrested for Spitting*

May 27, 1912.

Dear Sir: I shall look into your case, but I never could understand why boys and men will go around spitting. It is disgusting. Why should boys and men spit any more than girls and women? Did you ever think of that? What is the use of being so nasty?

Mr. Felix R. Solomons,  
Brooklyn, N. Y.

*Newspapers*

June 10, 1912.

The National Publicity Bureau: You ask me to give an interview saying "What I would say to the readers of 3,000 newspapers." I would say to them to be very careful about believing all they see in the newspapers.

C. E. Baird, Esq.,  
Scranton, Penna.

*Sunday Games*

June 11, 1912.

Dear Dr. Bailey: Your letter communicating to me the resolution passed by the Prospect Heights Presbyterian Church with regard to playing games in the parks on Sunday is at hand. A great majority of the people of the city, and I think of the clergymen of the city, would be opposed to stopping them. I was myself brought up to the observance of a still Sabbath. But as we had to work hard in the fields and woods on week days we were willing to keep still on Sunday. Of course you know that is not the case with our city men and boys. Many of them have no day of recreation except Sunday. What would you do with them? If they do not play in the fields they will go somewhere else, as you know. Where would you have them go? No doubt your church has solved that problem, and I should be very glad to have you let me know how it has been solved. Some of our clergymen who have not been able to solve it are offering to go into the fields and play with the boys of their congregation on Sunday afternoons. They dread to have the boys driven to the saloons, or to worse places. The conditions in cities and in the country with regard to Sunday are very different. Please remember also that people have a right to indulge in any game or recreation on Sunday which is not prohibited by law.

Rev. Edwin D. Bailey,  
Brooklyn, N. Y.

*On the Still Sabbath*

June 21, 1912.

Dear Colonel Bacon: I have your letter enclosing the letter of Mr. Steele. If I could lawfully stop games on Sunday and should do so in one place I would have to stop them everywhere. I have to do the best I can.

When I was a boy we kept still on Sunday, but we worked in the fields and in the woods every other day in the week, and it was not a difficult matter to keep still on Sunday. But the case of our boys and young men here in the city is very different. They are cooped up in factories and workshops and offices the whole week, and as a health measure, to say nothing else, it may be necessary that they get out in the fields and play games on Sunday. There is no human law forbidding it, and the vast majority of people are of opinion that there is no divine law forbidding it. One of the Ten Commandments forbids work, but not play, as has often been pointed out. And as Mr. Steele says in his letter to you, Jesus departed from the still observance of the Sabbath, and when called to account for it said: "The Sabbath was made for man, and not man for the Sabbath." Nowhere in the world has there ever been an idea of a still Sabbath except among the ancient Jews and in the British Isles. Sometimes I think this is some proof that the lost tribes of Israel found their way up into the British Isles and settled there. But never on the continent of Europe was it deemed wrongful or sinful to take physical exercises and play outdoor games on Sunday. People there have always, from the remotest times, resorted to the fields for physical exercises and games on Sunday, especially after church. When John Knox went to visit John Calvin at Geneva on a Sunday afternoon he found him out in the fields playing at bowls with his two sons and his neighbors. Moreover, the Christian Church never from the beginning prescribed any rules for the observance of Sunday in respect of physical exercises or games or play. Not many years ago, as you doubtless well remember, some one wrote to the Archbishop of Canterbury complaining of Mr. Balfour, then Prime Minister, for playing golf on Sunday. The Archbishop responded in writing that: "It is certain that the Christian Church has never laid down detailed directions affecting the actions of individuals in this matter. Each is responsible to God for using the Lord's Day so as to

## MAYOR GAYNOR'S LETTERS AND SPEECHES

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fit him best for the working days that follow." And as for the civil law, I know of no statute forbidding exercises or games on Sunday generally. There are certain things forbidden. Beyond that the law leaves everyone to determine according to his own conscience how he shall spend the Sunday. But I shall not pursue the subject. You and I would like to see everybody go to church Sunday forenoon, before going to the fields in the afternoon for exercises, if they decide to go. As it is, the majority of clergymen, I think, as well as of people in general, are against stopping Sunday exercises and games in the open fields. The last thing we should try to do in this world is to force our religious opinions or prejudices on others. I suppose you saw the uncharitable, and even mean letter, written to me by the Reverend Bailey. It is no wonder his church is nearly empty Sunday after Sunday.

Col. Alexander S. Bacon,  
New York City.

### *Belief in God*

June 17, 1912.

Dear Mr. Guiteau: I thank you very much for sending me your religious poem. I say religious, because it breathes the very spirit of religion. And yet with those who find themselves only able to believe in God, without believing other things, there should be no quarrel. Every one can say that he believes in God, and in His benign rulership of the universe by fixed laws. If some of us find it difficult to believe anything further, I am certain God does not condemn us. Why then should anyone else? Some people say they do not believe in God, even. I do not believe them. No one can sincerely say that.

John Wilson Guiteau, Esq.,  
Dobbs Ferry, N. Y.

## MAYOR GAYNOR'S LETTERS AND SPEECHES

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### *Democracy and Despotism*

(To the school children of the City of New York, written at the request of the Superintendent of Public Instruction, to be read to them on Independence Day, 1912.)

June 29, 1912.

Our country is a free country. Our government is a democracy. Democracy is the rule of the people by themselves. The way this is done is as follows: The people enact their own laws. These laws prescribe how they shall be governed. Then the people elect their own officials to carry out or execute these laws. If the number of the whole people were small enough, they could meet in one place, in a big hall or in a field, and enact their laws by their own voice. But as our numbers are too great for that, we divide ourselves up into sections or districts, and each district elects representatives, and all of these representatives meet in what we call the Legislature, and enact our laws. That is a representative democracy. If our laws do not suit us it is because we do not elect persons who carry out our will in the Legislature. That is our own fault, namely, through ignorance or negligence we elect unfit men. And if we elect unfit men to office to carry out or execute our laws, that is in the same way our own fault. The only way, therefore, to have good laws, and good officials to execute them, is by the intelligence and virtue of the people. We therefore spend immense sums to educate the people. The object is to make them fit to vote. If the people are themselves intelligent and virtuous, they will vote right, and the result will be good laws, good officials, and good government. But if the people are not intelligent and virtuous, the result will be the reverse, namely, bad laws, bad officials, and bad government. Now you see why your parents are paying large taxes to educate you. If you and the generations who come after you should lack the necessary intelligence and virtue, then our form of government must come to its downfall. I hope our common schools will postpone in-

definitely that fatal hour. The downfall of the rulership of the people by themselves means a return to despotism. Under that form of government which we call despotism, the ruler does as he likes without regard to the people. He arrests them, he locks them up, he takes their lives, he takes their property, to suit himself. We must therefore be vigilant of every little approach of despotism, however little it may be. We must see to it that those whom we elect to office do not go outside of the laws, or set themselves up above the laws, and do as they please. It always has been the case throughout the world that the officials who did this did it on the plea that the laws were not good enough—that they could do better than the laws prescribed. Beware of all such officials. We do not want officials who have any lust of power. We want officials who are very careful about exercising power. We want officials who are careful to exercise no power except that given to them by the people by their laws. There is no more dangerous man in a free country, in a democracy, than an official who thinks he is better than the laws. The good man in office should be most careful not to set a bad example or precedent for his bad successor, who will come along sooner or later.

On every recurring Independence Day we should seriously consider these things, and consecrate ourselves anew, even upon our knees, to God's will, in the full conviction that His will is that the people shall by their ever growing intelligence and virtue continue to rule themselves, better and better, year after year, forever.

### *Happiness*

July 8, 1912.

Dear Madam: You are looking for happiness in the wrong direction. I do not think there is any man living who would suit you. If you want to be really happy for



the rest of your life, work for the happiness of others, and forget yourself.

Mrs. Clara L. Brown,  
Chicago, Ill.

*Workmen's Compensation and Pension Laws*

July 23, 1912.

Dear Mr. Archer: I am much indebted to you for sending me the workmen's compensation act passed in Ohio this year. The provisions in it requiring the creation of a state insurance fund, by means of a tax on employers and employes based on the aggregate wages paid by each manufactory or establishment, to pay for injuries and deaths of employes by accidents in their work, create an admirable system. Nearly all the governments of the world outside of this country have some similar law for the benefit of employes. It is an old thing in Europe. Every European nation has such a law except Turkey and some states of Switzerland, and throughout the world we find similar laws as a rule. Prussia had one as early as 1847, I think. In this country we lag behind the world in this just and humane matter. I doubt if any government has a better law on the subject than this newest one of all which you have in Ohio. But will the courts knock it over, as the highest court in this state did with the very moderate one we passed in this state as a beginning three years ago? People are beginning to see that social and economic justice requires that we have these laws. The industrial workers should be paid for the injuries which they receive in their work, and the dependents of those killed should be likewise paid. It is easy to accumulate a fund for this purpose by a light tax on employers and employes. In England the employers are taxed for a part, the employes for a part, and general taxation makes up the remainder of the fund. Russia has a model law on the subject. I think the recent English one is modelled

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on the Russian one, but you are more competent on that head than I am.

I suppose you know that here in this city we are empowered in our discretion to retire on an old age pension all old persons who have been in the city employment for thirty years. We also have old age pension laws for several of our Departments. For example, our street cleaners have a pension fund out of which they are paid a permanent yearly sum after they are retired from the employment of the city on account of old age or physical or mental disability. And we are soon to have such a law for all of our city employes. Why should not the same rule apply to all industrial workers as well as to those who work for the city of New York or other cities? I hope the time is fast approaching when that will be so. It has been voluntarily established by some railroads and large industrial establishments. Those of us who ventured to say a word in favor of such things a few years ago were denounced as socialists and anarchists, used as words of opprobrium, especially by newspapers and people who do not know what socialism is. Let them call it anything they like. Distributive justice requires that it shall come to pass. The old workers should not be turned out to die or live in distress or go to the poorhouse, nor should the maimed or hurt.

It is very gratifying to learn from you that the Manufacturers' Association of the United States have passed a resolution favoring the passage of such laws. Such a system cannot hurt them. It would relieve them of all lawsuits for accidents, and of the large payments they are now making to casualty companies, to insure them against such accidents. Would the tax on them for such a system be larger than the premiums they are now paying the casualty companies? More than that, the tax would not really fall on them. It would go into the cost of production, the same as the insurance premiums they are now paying, and be paid in the end by the whole community in the price they would pay for the articles produced. And

the tax would increase that price by so small a decimal that it would be scarcely noticeable, if at all.

I notice that both political parties kept aloof from this matter in their platforms this year. But all the same it is one uppermost in the minds of the people of this country today, and they will attend to it. They do not propose to lag behind the whole world in distributive justice. General prosperity does not depend alone on the amount of the total product of industry, but more yet on a just division of such product among all who helped to produce it, whether by physical work or mental work, or both, or by furnishing capital.

William C. Archer, Esq.,  
Columbus, Ohio.

*Rhetoricians*

August 1st, 1912.

Dear Mr. Greenspan: I thank you very much for your letter. You understand the matter correctly. I have not said so much as one word about the Jews in connection with the Rosenthal murder. I have not used the word at all. In my letter I said that those whose names have been published in connection with the gambling murder, and with gambling, showed them to be "degenerate foreigners" who gave the police great trouble. And if you look at the list of these names you will find that they are not all Jews, although it contains several or many Jews. But if the list were all Jews, I am sufficiently acquainted with the Jewish intellect and character to know that the Jews do not shield criminals of their race any more than any other criminals. They rate all criminals alike. I cannot help Rabbi Wise. He is supposed to be a preacher and a charitable man. That he has borne false witness against me concerneth him more than it concerneth me. He seems to read the Hearst newspapers, and accept their statements as true. What a howling wilderness the mind of such a man must be. And yet he professes to be

a teacher and is even a noisy censor. I have no use for these inflammatory rhetoricians. They are all voice and no conscience or heart. We all have to do the best we can, and should of all things stand by the truth and by our training and convictions. A degenerate outlaw is the same to me, Jew or Gentile. I wish we could be rid of all such.

B. E. Greenspan, Esq.,  
New York City.

*He of the Crooked Mouth*

August 7, 1912.

Dear Mr. Rosenfeld: I thank you very much for your letter. Rabbi Wise does not disturb me. I am content that he and his like bear false witness against me, as they have been doing for 25 years. The better I have done or tried to do the more they have lied about me and abused me. That is their impulse. Rabbi Wise has long been an exaggerator and uncharitable man in this community. He is all mouth and no conscience. The mouths of rhetoricians are proverbially crooked. "He of the crooked mouth," is as true of the rhetorician today as it ever was. I have not said one word about the Jews. I have not used the word at all. He knows all this well, but is capable of asserting the contrary nevertheless. But if I had used the word, I am sufficiently familiar with the Jewish character to know that Jews are just as quick to denounce and disavow Jew criminals as any other kind of criminals. Criminals are mere criminals whatever their race or nationality. The Jewish race brings down to us from the twilight of history—from that border line where fable scarcely ceases and history hardly begins—knowledge of the one true and ever living God, which is the one great fact of the world. Such a people are too genuine

and steadfast to be deceived much by rhetoricians or demagogues, lay or clerical.

George Rosenfeld, Esq.,  
New York City.

*Work and Abuse*

August 16, 1912.

Dear Mr. Bobbitt: Thank you for your letter and for the articles you enclose. Yes, the task of the Mayor of New York City is a difficult one. I knew that when I finally consented to run for Mayor, after having refused to do so twice previously. And when I became Mayor I said to myself that I would do all that I could for the people of the city and be content with the result. I also know all about ingratitude. I do not look for gratitude, or ask for it. I simply intend to do the best I can. You mention the outcry of newspapers. I do not even find fault with that. I have long been subject to abuse. And I have always been abused most when I did best. Whatever happens, I go right on the same, or try to. As soon as I became Mayor, I tried to put every department under a head who would take all politics and graft out of it. And then I began with one department after the other to rid it of politics and graft, for they go hand in hand. In that work I have received neither the aid nor the good will of the people who make the most noise in this city in the way of accusation and protestations of virtue. I have no reason to complain of that. I never expected their good will, much less their aid. I have gone right on without them. I think I have succeeded pretty well in eliminating graft from the city government. Graft has been deep-seated here for over 40 years in most of the departments, if not in all of them. I think it will be admitted that I have driven graft out of nearly all of them. I have even been fortunate enough to take most of the graft out of the Police Department. The matter of stopping graft in

connection with gambling and the like is an awfully difficult task. Of course I have been able to give only comparatively little time to the Police Department. You know the large things, and the small things, with which I have had to deal, and am dealing, since I became Mayor. Some of them are the largest being dealt with anywhere in the world at this time. The amount of time and mental and physical exertion which they have consumed is, I suppose, realized by very few. But that I knew of in advance, and I am content with it. We tried to cope with this gambling and like graft in the Police Department by narrowing the contact of the department with the sources of graft. I could see no other way. We narrowed such final contact down to a single point, namely, to the Commissioner himself, with a special squad under him. And yet now we find that one of the three lieutenants of that squad was taking graft, although he was right with the Commissioner at headquarters, and under his orders alone. Of course it has greatly disturbed and mortified the Commissioner, for he is a young and sensitive man. As for myself, while I hope I am not without feeling, nothing disturbs me much. I try to take everything as it comes along. I of course expected that cases of graft would develop. The police force as a whole is good. I hate to see the whole force abused for the derelictions of one or a few. But they know I have done all I could for them, and will stand by them. But I hope we shall get at the bottom of all the graft that exists in the Police Department. I had started an investigation of my own, and contemplated public hearings, but when the Aldermen appointed a special committee for the purpose, I paused, and concluded to unite in the work of that committee. If, however, it is to be mere partisan and pre-election work, to arouse party prejudices, I shall have to withdraw from it and do the best I can without their aid. You know how things are started before election to create political prejudice, and what injustice is very often done thereby. Of course we have also the case of the army of unfortunate

women. That is a mournful subject, one more fit to weep over than for political use. That evil exists everywhere, now as in the past, and we have to do the best we can with it. Those who drive girls and women to such lives by paying them starvation wages are often the ones who cry out loudest against the public authorities for not exterminating them as mere animals. Who but men made them what they are? Then let men deal with them patiently and mercifully, and do everything to reclaim them.

B. B. Bobbitt, Esq.,  
Editor, *The Daily Record*,  
Long Branch, N. J.

*Advice on Marriage*

September 12, 1912.

Dear Sir: There are plenty of girls who would fill your description right out in Minneapolis where you live. Just pluck up courage enough to go right up to them and tell them that you want a wife. But maybe that would be too abrupt. I did not go about it that way, because I did not have pluck enough, and maybe you haven't. But get around it the best you can, and everything will come out all right.

H. R. Trimmer, Esq.,  
Minneapolis, Minn.

*Rhetoricians*

September 16, 1912.

Dear Mr. Bernstein: I thank you for your kind letter, but I have no ill-feeling against Rabbi Wise. Of course I have observed in common with the rest of the community that he is without charity or truthfulness, although a preacher and teacher. But I have to remember that he is a mere rhetorician, and you know that rhetoricians are proverbially uncharitable and untruthful. The

mouths of all of them are crooked, to use an ancient phrase, and you cannot expect truth or charity to come from a crooked mouth.

David Bernstein, Esq.,  
New York City.

*A Rhetorician*

Sept. 18, 1912.

Dear Mr. Miller: I have your letter of September 17th with regard to Rabbi Wise. Yes, I know he has made several very uncharitable and untruthful attacks on me. But I bear him no ill will. He is a clergyman, and it is always a painful sight to see a clergyman with no charity or truth in his heart or soul. He has never lent me a helping hand. He has studiously tried to thwart me and do all the injury he can. I do not know why, except that it is his nature. He is a rhetorician, and I suppose you know that as a rule rhetoricians are devoid of charity or honesty. To air their rhetoric they will say and do the most unjust and uncharitable things. But if you see him tell him that I bear him no ill will whatever. I have had to work hard as mayor to accomplish things which I set out to do. That he has not offered me his hand concerns him more than it concerns me, and that is also true of what he says of me.

L. E. Miller, Esq.,  
Editor, *The Warheit*,  
Manhattan.

*Police Reforms and "The Eternal Priestess of  
Humanity, Blasted for the Sins  
of the People"*

September 18, 1912.

Dear Mr. Hayes: The delay in answering your letter has been due to the many things which have pressed upon



me. And then, again, I saw no use in complying with your suggestion when you called upon me that I enumerate for publication the reforms which have been worked out in the Police Department since I have been Mayor, until the tide of falsehood and abuse against the department should subside. My great anxiety has been that these false attacks on the entire police force might affect the men, and make them indifferent to the performance of their duties. No one can deny that all possible has been done to break down the discipline of the police force. But I am glad to assure you that from close observation I am able to say that it has had little or no effect either on the police force or on the intelligent and decent community. I am not able to say to you what effect it has had upon the degenerates of the community.

The case of Becker did not surprise me at all. Although we had done much to remove grafting and make it impossible in the Police Department, I knew very well that it would in all probability crop out in more places than one. The instance which has cropped out has enabled the degenerate press to characterize the whole force as a band of grafters. But I am certain that the intelligent community still have in mind, and have had in mind all along, what we have done in the way of reform in the police force. In no other department has so much been successfully done. Let me enumerate some of these things:

First—The first thing was to do away with unlawful batteries and mistreatment of citizens by policemen. All over the city decent people had been clubbed, mistreated and insulted for years. Nothing had been done to stop it. The evil grew all the time. I think we have practically put an end to all that. It was accomplished only by dismissing several from the force for unlawful violence and rudeness. The police now understand that they are the servants of the community, not their masters. That they had forgotten it was not due to the men of the force, but to the arbitrary and lawless way in which they had been handled and ruled for years.

Second—We then taught the force not to arrest people and lock them up for petty things, but to take their names and have them summoned, if even that were necessary. That is now an accomplished fact in this city. These petty arrests have been largely done away with, and where arrests should be made for minor offenses we have taught the force to resort to the method of summoning, where the accused persons have a residence and are known. In this way we have protected citizens generally from being locked up with criminals, often overnight, only to be discharged the next day. We have also in this way destroyed the occupation of the professional bondsman, which was the source of large revenue to such bondsmen and also to officials in the Police Department. In this connection I should say we have particularly done away with the arresting and locking up of boys for pranks in the streets, and minor things, which many boys are prone to commit, the same as we did when boys. The arresting and locking up of boys for such things simply hardens them and turns them into criminals. I suppose every intelligent person knows the great changes which have been made in these respects in the Police Department.

Third—The practice of photographing persons arrested for criminal offenses, and even boys, before conviction, or for minor offenses, and putting their photographs in the rogues' gallery, thus disgracing them, and often making criminals of them, has been stopped. That practice is confined to persons convicted of serious crimes.

Fourth—We have done away with the former practice of the police to take sides in strikes and labor disputes, and commit unlawful acts of oppression and violence therein. The police now understand that their whole duty in strikes is to preserve the public peace. In order to accomplish this we had to try and discipline certain officers who took presents, in one case as much as \$1,000, from employers to do their bidding.

Fifth—We did away with the so-called special police. There were over 1,300 of them. As you know they were

sworn in as policemen, thereby becoming public officers. They were then turned over to private persons, and put under their pay and orders. If they did not obey the orders of their employer they were dismissed. So far as I know it was the first time in the history of government that public officers were put under the pay and direction of private persons. A public officer acts under his oath and under the law according to his judgment and discretion. But these public officers were put under the pay and direction of private individuals, and had to do the bidding of their employers in order to receive their pay. The result was gross oppression and interference. You might as well put the Mayor of the city under the direction and pay of private individuals.

Sixth—There are about 10,000 hotels and saloons in this city. These places had long been subject to extortion by those who ruled over the police, in connection with certain outside persons of influence. The moderate average extortion of \$25 a month from each would amount to about \$3,000,000 a year. But the gross sum of the extortion was probably much more. This was done away with. Instead of permitting every officer or member of the force to go into these places at will, especially on Sundays, and deal with them, and take money of them, the enforcement of the liquor law in the way prescribed by that law itself was put into effect for the first time in the city of New York. The old way was not that prescribed by the law, but a way designed to levy graft by entering and threatening or making arrests on the spot without a warrant, instead of reporting such cases to the District Attorney for him to prosecute, all as prescribed by the statute. The law forbids any traffic in liquor in the barrooms of the city on Sunday and requires them to be vacated. In order that that requirement might be easily enforced, the law requires that all blinds or curtains of barrooms shall be up on Sunday, so that all passersby may see whether there is anyone therein. The police are required to report on Monday morning by affidavit every barroom in which this

law was violated, or in which anyone was seen. These reports are turned over to the District Attorney as required by the statute for prosecution. The result has been a general closing of all barrooms in the city on Sunday. It is true that liquor is sold in the dining room, or the inner rooms, of hotels on Sunday. The answer to that is that the statute permits such sales. I found most people under the impression that the statute forbids the sale of liquor on Sunday. We never had any such statute in this State. On the contrary, while the statute forbids the sale of liquor in barrooms, and requires them to be closed, it permits the sale of liquor with meals in other rooms in all places having an hotel license. And the courts decide what a meal is. The police cannot decide that. A sandwich has been decided to be a meal. Hence we see sandwiches furnished with drinks throughout the city on Sunday. But when you get outside of this city liquor is openly sold all over the state on Sunday without any sandwich being furnished. The furnishing of the sandwich seems to put in the minds of people that laws may be in one way and another evaded. With only 10,000 police and 10,000 hotels or liquor places, it is hard to discover and prevent the unlawful sale of liquor in the inner rooms. But we have to do the best we can. If all the police were devoted to that work there are not enough to go around. And, again, it is impossible to enforce this law when the people of the neighborhood do not support it. No law can be enforced against the will of the community, or a considerable minority thereof.

Seventh—For many years before I became Mayor, the police had been in the habit of violently smashing into houses without warrants. The force was not to blame for this. The blame was with the persons in rulership over the police. They made the police do these unlawful things. They made use of these unlawful entries to collect graft from houses all over the city. The constitution and the laws forbid the forcible entry of houses except under a warrant obtained from a magistrate. We put this in force

and stopped all these lawless entries. They were called by the lawless name of raids. If the prescribed graft was not paid a raid followed. This was notice to all others in like case to pay up. The way to enter a house is to get the evidence against it, and then on that evidence obtain a warrant from a magistrate, and then enter, warrant in hand, and make the arrest. This is the effective way of carrying out the law. If a place is so decorous that no evidence against it can be obtained, then leave it alone. You have to do that with even a murderer. But if the police are allowed to enter all such places at will without a warrant, they make use of such entries to levy graft to stay out. The way to enforce the law is the way prescribed by the law. No one has a right to go outside of, or exceed, or disregard the law. The highest officer in the land has no right to do that. If that could be done our government would not be a government of laws but a government of men, which is a despotism. The people make the laws, and those put in office have to conform to them.

Eighth—The detective force has been entirely reorganized. All the incompetent persons who were put there by political and like influence have been put out and competent men substituted in their place. I suppose you are aware that it has done splendid work, and is recognized as one of the best secret service forces in the world. In fact, it largely does duty for the whole country, and not merely for the city of New York.

Ninth—Formerly the vice of gambling was dealt with separately all along the line by captains and inspectors of the Police Department. The result was much corruption of the force by keepers of bad houses and the gamblers and their allies. Corruption was possible at every point of contact. The seven race tracks on which races were run almost every day in and about the city of New York had been done away with just before I became Mayor. The result was that the army of gamblers who gambled on these tracks, were put out of that business, and thrown on this city. The police had a most difficult situation to

meet. We organized a special force to deal with gambling. That special force of 150 men was put under the Commissioner himself. Three lieutenants were put in charge of them, and made subject to the orders of the Commissioner only. It happened recently that one of these lieutenants was found taking graft from the gamblers. Of course it was a painful thing to the Commissioner to be deceived in that way by one immediately under him. But the same might happen to any commissioner, the same as defalcations of bank officers and trusted employes are constantly happening. It was painful to me, although I fully expected that some cases of graft would develop. I knew very well that I could not at once destroy the deep-seated graft of forty years' standing. It is a matter which requires systematic work and patience. The event was followed by all sorts of false accusations against the whole force. It is now known that Becker was the head and front of the grafting with which he was connected, instead of being the underling or tool of anyone else. I think that the respectable people of the city have all along kept their heads about the matter, and not given away to clamor. They knew the Mayor's job is a hard one, and also the Commissioner's. At all events, conscious of what I had done, and tried to do, to reform the police force, I felt that I was entitled to the goodwill and assistance of every intelligent and honest person in the city, without regard to party politics, for you know I have entirely disregarded that in the government of the city. But many people have attacked me in the most uncharitable and vicious manner, like Rabbi Wise, for instance. But they have moved me less than you may suppose, and you are well acquainted with me. In the midst of the din and fury I kept saying to myself each day: "Now you must be patient. A bad thing has happened. But you must take it as an incentive to work harder than ever to accomplish what you have set out to do. Bend to God's will of you and be content." And that is what the Police Commissioner is doing. He is a younger man, and probably

felt the abuse and falsehood more keenly than I did. In the midst of all the nagging and noise we have made a most careful investigation, not through the newspapers, however, and I think we have our bearings. We are going right on. If we have not received the help and goodwill which we felt we were entitled to, we do not complain of it. To do away with the possibility of these gamblers and the scoundrels who are allied with them corrupting police officials here and there is a hard thing. But I think we will do it. We have already taken most of the graft out of the department, and by patience and persistence it can all be taken out.

Tenth—We have already eradicated from the Department all graft in appointments and promotions. For many years they had been paid for. We resorted to the simple expedient of appointing and promoting from the eligible list in numerical order. Under that system it is impossible to sell appointments or promotions.

Eleventh—I come now to a mournful subject, namely, that of unfortunate women. They were in the world at the beginning of history, yes, at that border line where fable scarcely ceases and history hardly begins, and they are here yet. They will continue to be here until by the aid of moral teaching the hearts and propensities of men shall be subdued and made better. These women are what men made them. One of the chief causes of their resorting to such a manner of life is that very often they are paid wages which do not enable them to live. They are driven to it. Yet some of those who treat them in this way come forward periodically to proclaim the loudest and the most cruelly against them. If it were possible under the law to lock all of these women up, which it is not, and we had places for their detention, which we have not, an equal number would promptly take their places. We have to deal with them as best we can. The tendency is for such women to congregate in one or a few localities. To prevent this tendency and scatter them all over the city would be the worst thing that could happen. By their example

they would scandalize other women and girls all over the city and cause them to go astray. Dealing with them is a routine. I have never made any change in that routine. In other words, I have never adopted any new policy in respect of them. I did only one thing in respect of changing the method of enforcing the law with regard to them. Before I became Mayor it had for years been the custom to send policemen to drink wine and eat with such women, and take them to the rooms of the houses in which they lived, and have them undress. This was to get evidence. I issued orders that no policeman should be assigned to any such degrading service. To subject policemen to such temptation and degradation was an outrage.

In past years I have gone over the literature of the subject of prostitution, beginning with St. Augustine, and ending in our own times with Lecky in his "History of European Morals," and the chapter of Professor Lilly in his "First Principles in Politics." I wish that every man in New York who thinks he would like to interfere with this subject would first read Lecky's great fifth chapter. I cannot forbear quoting this one passage from him:

"Under these circumstances, there has arisen in society a figure which is certainly the most mournful, and in some respects the most awful, upon which the eye of the moralist can dwell. \* \* \* Herself the supreme type of vice, she is ultimately the most efficient guardian of virtue. But for her, the unchallenged purity of countless happy homes would be polluted, and not a few who, in the pride of their untempted chastity, think of her with an indignant shudder, would have known the agony of remorse and of despair. On that one degraded and ignoble form are concentrated the passions that might have filled the world with shame. She remains, while creeds and civilizations rise and fall, the eternal priestess of humanity, blasted for the sins of the people."



But let me forbear. The subject is one to weep over, rather than to bring into politics. And yet in this city little politicians and investigators every few years try to crawl into office over the bodies of these unfortunate women, or by starting a hue and cry about them. But none of them has ever succeeded. Nowhere else in the world has such a base spectacle been presented. And there are others who in this respect, and in all matters of vice and crime, are constantly bent on humiliating and degrading this city—the most decent and orderly large city in the world.

J. Noble Hayes, Esq.,  
New York City.

*Calmness and Philosophy in the Midst of Clamor*

Sept. 24, 1912.

My dear Judge Clearwater: In the largest mail of encouragement which I have received since I became Mayor I find your letter of September 20. It was very good of one of your eminence, and not a resident of this city, to take the time to write me such an encouraging letter. I am glad you approve of my letter on police matters to Mr. Hayes. You speak of what you call the "tremendous opposition and astounding abuse" to which I have been subjected, and say that you do not see how I stand it, or "preserve your (my) serenity," as you express it. I have to do the best I can. The clamor and false statements of vicious persons and newspapers no doubt hinder me some, but I have to overlook them and go right along. Every morning I just forgive everybody and then take up the work where I left off the day before and go right on. How else could I do it? In the din of clamor and falsehood I often repeat to myself the saying of Marcus Aurelius: "There is but one thing of real value, namely, to cultivate truth and justice, and to live without anger in the midst of lying and unjust men." That makes me content. I do not seek the good will of degenerate

newspapers. The good will of intelligent and honest people is what I desire.

The job of preventing scoundrels from bribing the police, and the police from taking bribes from scoundrels, is a difficult one. I hope I have succeeded largely, and I hope in the end that I shall succeed entirely. After 40 years of graft and corruption, and of rulership over the police by dishonest, lawless and ignorant men, it is not an easy thing to bring about a better order of things. I was not at all surprised when it was found that Lieut. Becker was taking graft. That was nothing new in the Police Department. It would have been nothing new if the Police Commissioner himself was found to be taking graft, according to the past history of that Department. But I have a Police Commissioner who is incapable of taking graft. And I have an able and honest man at the head of each of the other departments of the city, and reform and good work are being done all the time. Conscious of this nothing can disturb me, although I may be to some extent baffled by the opposition of criminals and degenerates. If I am ever inclined to feel discouraged when these are joined by persons who believe themselves righteous, but never give me a helping hand, a moment's withdrawal into my inner self makes me patient again, and able to see again in the complexities of things only the slow working out of God's will. And letters from men like you, and good women, make me know that we are not working in vain.

Hon. A. T. Clearwater,  
Kingston, N. Y.

*Stick Pins*

September 26, 1912.

Dear Mr. Tanenbaum: I fear I have no power to prohibit the ladies from having stick pins in their hats. Suppose you apply to the Board of Aldermen? They seem to be able to do almost everything. I must confess

that I never saw anyone hurt by a lady's hat pin, but since you say so, and since the Prefect of the Rhone Department has issued an edict against ladies' hat pins, I suppose they must do much slaughter. But is it altogether seemly for a man to get his face so close to a lady's hat pin as to get scratched? Shouldn't such a fellow get scratched?

Moses Tanenbaum, Esq.,  
New York City.

*Police Interference at the Polls*

October 9, 1912.

Dear Sir: Your letter of October 8th containing a "protest" and a "demand" regarding where the police shall be stationed and what they shall do on Election Day is at hand. Your tone is peremptory, but suffer me to say unto you that you share a grave misunderstanding in respect of the power and duties of the police at elections. Their duty begins and ends with preserving the peace. The law provides election officers to conduct elections, and clothes them with ample powers. It even expressly confers on them the powers of arrest possessed by peace officers. The police have no right or power to forbid anyone to vote, or to prevent any one from voting, or to assist any one doing the like. Your request that police officers be stationed in the polling places for that purpose cannot be entertained. Any intimidation whatever at the polls is illegal. To station policemen in the polls to prevent or obstruct or intimidate those who come to vote might and probably would grow into an evil which would destroy our system of government. That is the way they do in Mexico and Russia to carry elections, but not in a free country. It is one of the ways of despotism. To avoid such an overwhelming evil our law makes every man a sovereign on Election Day. He cannot be interfered with on the way to the polls, or at the polls, unless he do some act in breach of the peace. The only way to

stop him from voting is to challenge his vote as unlawful. This any election official, watcher or citizen may do. When that is done he cannot vote unless he take the prescribed oath, and in that way swear in his vote, as the phrase is. If he take the oath no one can stop him from voting. If he refuse to take the oath he must withdraw without voting. If he refuse to withdraw he may be arrested and taken out. If he vote illegally, with or without the oath, he may be arrested after he votes, not before.

To allow the police to say who may and who may not vote, or to interfere to prevent people from voting, would render our elections no longer free. And free elections are the cornerstone of our system of government, *i. e.*, of free government, *i. e.*, of government by the people. Can you not perceive how rapidly such an evil would grow, and how fatal it would become? Have you ever read the law and history of elections in this country, or in Anglo-Saxon countries? Do you know that from the earliest times no show of force has been allowed at the polls? Do you know that among our earliest statutes in this country is one copied from an ancient English statute prohibiting any military force from being quartered within a certain distance of a polling place on Election Day? To allow everyone to vote who will take the risk of swearing in his vote may lead to the evil of some illegal votes. But to allow the police to prevent people from voting by force, or threats, or intimidation, would result in an infinitely greater evil. And of two evils the law always chooses the lesser. Do you perceive what I am trying to make plain in a few words?

I do not share your predictions of fraudulent or illegal voting at our coming election in this city. Permit me to say that nowhere in this state or in this nation are elections more peaceable and honest than in this City of New York. The police will be near enough to the polls to preserve the peace, and to respond to the call of any election officer or any citizen to quell tumult or make lawful arrests. But they will not be permitted to unlawfully

interfere or make unlawful arrests. Substantially all of the fraudulent voting here in years gone by was done under the encouragement and patronage of policemen stationed in the polling places to do the bidding of corrupt political leaders. Did you ever hear of that?

Dr. Nathan Rattnoff,  
New York City.

*Immigration*

October 28, 1912.

Dear Sir: I am not able to think of even one reason why foreign immigration should be stopped. If you were to even stop the Italians from coming into this country it would result in immediate disaster. They are doing all of our heavy work all over the country. Do you not yourself see what would happen if they were excluded? Why are people here so eager to exclude foreigners? Are we not a nation of foreigners? Are not you a foreigner? Or was not your grandfather one? We might well exclude foreigners who come over here to peddle or beg, but we should exclude no foreigner who comes over here to work.

Spurgeon Lane, Esq.,  
Wesson, Miss.

*Children in Her Way*

October 31, 1912.

Dear Mrs. ———: I thank you for your letter. But the children on roller skates think you and your motor car are in their way, while you think they are in your way. Which is right? The point of view is everything, or at all events very much, as is the case in all things. Now you will say that I am joking with you again. Show this to your husband and I will leave him to say whether I have not got back at you pretty well. We are trying to diminish the roller skating in places where it is dangerous for

the children to use roller-skates. But of course we cannot stop them altogether. I should not like to try to.

*Walking*

October 31, 1912.

Dear Mr. Mayor: Mr. Harvey Thoren walks into my office this day with a letter from you to me dated March 12th last. He informs me that he has walked all the way from San Francisco here in 7 months and 26 days. He does not give me the hours, minutes and seconds over. But he is a red hot picture of health. He is a good, wholesome, athletic Norseman, born in Sweden. He intends to walk back, and I am giving him this letter to you. If I had time I would go with him. It would do me good. They knock me around pretty hard here now and then, if not all the time, and some days I feel as though a good long walk would just suit me—the farther away the better. But the next day I feel all right and content again.

Hon. James Rolph, Jr., Mayor,  
San Francisco, Cal.

*Grasshoppers, the Broom Crop and Some Newspapers*

November 11, 1912.

Dear Sir: Your letter of November 4th, asking me to assure the broom manufacturers that the grasshoppers did not eat up the broom corn crop in Oklahoma, as is reported in the newspapers, is at hand. I do not know why the grasshoppers should eat up the broom corn crop when there are so many other things much more juicy and satisfactory to their palates. I am therefore quite ready to believe you, and I shall pass the word around among the broom manufacturers, if I can. Perhaps the newspapers will do it, although it is very hard to get some of them to contradict their own stories. It detracts from the notion of their infallibility. However, we have some newspapers here that are just as ready to contradict them-

selves as to contradict anybody else. They daily contradict in their morning edition what they say in their evening edition, and in the evening what they say in the morning.

H. H. Henderson, Esq.,  
Yalton, Okla.

*The Sabbath*

November 15, 1912.

Dear Madam: I have just received your second letter to me about Sabbath observance, by which you mean Sunday observance. I agree with you about observing the day of rest. But we must be fair and charitable to others. The Christians do not observe the Sabbath Day, namely the seventh day, established by God according to the 4th Commandment, or the 3rd, as some number it. The Christians abandoned that day, and adopted Sunday, which is the first day of the week. It is all right for us to observe Sunday, but let us have no miserable little prejudice against the Jews because they stick to the Sabbath. Some Christian sects also adhere to the Sabbath, stoutly maintaining that no one had the right to change the day of rest ordained of God from the seventh to the first day of the week.

Miss Lillian Freund,  
New York City.

*Kirk Alloway and the "Auld Brig" and the "New Brig"*

November 18, 1912.

Dear Doctor Morrison: I have your letter of November 6th saying that you are in Ayr, and that you went to the little inn where Tam O'Shanter and Souter Johnnie used to booze of evenings "o'er the nappy," and that you bought a glass of ale for three cents. I was there also some years ago. I saw the "stirrup cup" and took a good snifter out of it. It is the cup which they handed to the boozier

after he got on his horse and was about to start for home. I then followed Tam O'Shanter's route along the road until I came to Kirk Alloway, or what is now the ruins of Kirk Alloway. I got on tiptoe and looked in. I saw the whole business, witches, bogles, banshees, hobgoblins, warlocks, and the whole hellish pack, and also "cutty sark." I was in tremendous excitement. I am certain I saw the whole business, just as certain as that I am writing you this letter. My son Rufus was with me and saw it all also. When the lights went out and they all rushed out I followed as best I could, and was right in the thick of the bunch when we neared the "Auld Brig." And there beyond the Doon I saw Tam and his mare in full gallop, and the tail of the mare in the hands of the witch on my side of the keystone of the bridge. Everything then vanished and another feeling came over me. I saw the "Auld Brig" and the "New Brig" there, and while I did not kneel down I came very near doing so. I never felt such a thrill before or since in any place. I have been to the Shakespeare country often, but my emotions were not aroused there even a little, and everybody seemed to be in the same condition. This Burns country is something wonderful. It stirs the hearts, the spirits, and the imaginations of all travelers. I suppose that having visited the inn you will complete the work by going over the whole route that Tam covered on his way home. I would like to say much more about it but I have not the time. I am glad to hear that you are in growing good health.

Rev. William Morrison,  
London, England.

*An Extorted Marriage Fee*

November 19, 1912.

Dear Sir: I have received your letter of November 18th complaining that an Alderman on marrying you the



day before at his house demanded \$20 of you as his fee, and that you paid him, for the reason that it would have mortified you too much to make a protest in the presence of your bride and other ladies who were present. Of course the Alderman committed a great outrage, and he no doubt knew that you would pay him sooner than dispute with him openly. He had no right to charge you anything. I receive many letters of a similar kind. My advice to you all is to go to clergymen to be married, and then you will be treated properly. I do not by this mean to say that all of the Aldermen would treat you as this Alderman did, but unfortunately some of them would. You say it was all the money you had with you, and that you expected to use it for immediate expenses with your bride. I certainly sympathize with you. If someone had held you up in the street and taken it away from you it would not have been worse. You may sue the Alderman to get your money back, but if you do he will no doubt say you made him a voluntary present of the \$20, and who knows, the judge or jury may believe him.

Kai Brodersen, Esq.,  
New York City.

*Noise*

December 9, 1912.

Dear Mr. Davis: You complain to me of the clock on the Metropolitan Building. You want me to stop it. You say it strikes 4 times on the quarter, 8 times on the half, 12 times on the three-quarters, and 16 times on the hour, making 40 times every hour, or 210 times from 8 A. M. to 12 noon every day. I am sorry for you. But really does the clock make as much noise as Dr. Parkhurst does? You know we all have to bear with something, and I am willing to bear my share of it.

Frank L. Davis, Esq.,  
New York City.

*Why Did You Not Write to Dr. Parkhurst  
or Rabbi Wise?*

Dec. 11, 1912.

Dear Emelie: Your letter directed to Santa Claus, New York City, has been delivered to me, since you also wrote my name on the corner of the envelope. You tell me all your troubles and poverty, and how you hope that something will be in your stocking on Christmas morning. I should not be a bit surprised if that happens. I wish I could have Santa Claus put something in every little stocking in the land. But why did you not write to the Reverend Mr. Parkhurst, or the Reverend Rabbi Wise, instead of to me? Do you not know even way down in Mississippi that according to their own statements they are the good men here, and that I am a bad one?

Miss Emelie Wilson,  
Landon, Miss.

*"Thinks He Is Pious When He Is Only Bilious"*

December 12, 1912.

Dear Sir: I thank you for the good-will of your letter. You advise me to "pay no attention to Dr. Parkhurst" and harsh people like him. When did I ever pay any attention to him or them, or even to the Reverend Rabbi Wise, except now and then to say a jovial word or two about them, to make them feel good? Yes, the Reverend Parkhurst began at me right after I became Mayor and has continued ever since. He condemned me because I did not prevent the pictures of that prize fight out West over two years ago from being exhibited in the theatres, although I had no lawful power to do so. On other pages of the newspaper in which he then wrote and still writes a daily column, the pictures of the fighters as they went through the fight were exhibited in the most repulsive and naked form, day by day, with other nude and nasty pictures. But he did not object to that. He stuck to his

\$5,000 a year job of writing his daily column. He continues to do so, although his daily article is often, or most of the time, cheek by jowl with such pictures, not to mention other obscenities. But we should not condemn him on this score offhand. For it may be that when he takes his newspaper home at night he only reads his own column, and does not learn of the rest of its contents. Or it may be that his wife does not permit this newspaper in her home, as is the case with so many other good wives. And therefore he may see only his own column. Dr. Parkhurst does not want to help. He wants to quarrel. And yet, I have no ill-will against him. I would give him a boost any day to help him to Heaven, if that be what he is after in abusing me. We must not let his rancor and uncharity enter or influence our souls. We should be charitable to him and succor him and try to reform and lift him up. You say he has sold himself out to this sensational newspaper, and is hired to write against me as he does. Even so, we should not have ill-will against him, but only charity and good-will. When a man hires himself out he must obey orders or quit. And he may be able by some species of casuistry to convince himself that he is doing right when every one else sees that he is uncharitable, unkind and doing wrong. Who knows, and who will be first to cast a stone at him? Judge not lest ye be judged. We must look upon him in charity and kindness. Yes, he puts his picture at the head of the daily column he writes. It is true that it is painful to see such a thing in a clergyman. But he evidently thinks he is a very handsome fellow, and prints his picture at the head of his column because he thinks we are all of his opinion about it, and dote and feast our eyes on it the same as he does. He therefore thinks he is giving us pleasure in exhibiting his picture for us to look at it. So we must be kind and forbear with him in this also. It is true that we cannot imagine Jesus doing such a thing if He were here. He would not hire Himself out to a sensational newspaper, and in addition put His picture at the head of His column. Much less would He write

unkind and uncharitable things. His great heart would go out to all of us, and especially those of us who, like you and me, are sinners. Did you ever think of that? But still we must be kind and charitable to Dr. Parkhurst. No doubt he thinks he is a good man, and that is an additional reason why we should be kind and charitable to him. To think one's self good, or better than others, is a mental trait which is hard to overcome by those who are afflicted with it. It is even reckoned a disease among physicians and has a name. That is an additional reason why we should forbear and overlook. And you know there are people who think they are pious when they are only bilious.

Edward Hillin, Esq.,  
New York City.

*Scattering Vice*

December 16, 1912.

My Dear Mr. Mayor: Your letter of December 14th, asking for a full copy of my address about vice and crime before the New York University, is at hand. I have no copy except as it appeared in the newspapers, and you seem to have that already. There are a growing number who think that unfortunate women should be licensed and regulated. I do not believe it. I do not think that any good has come of such regulation anywhere. How are you going to make them come forward for a license, to start with? And then what good would the license do? Some say you might check disease thereby. My information is that that kind of disease is just as rife in the places in Europe where these women are licensed and inspected as in England where they are allowed to run entirely loose. Is not that the fact? Our legislators passed a law a few years ago requiring that all of these women arrested and brought into the courts should be medically inspected, but our courts promptly declared the act unconstitutional, as

infringing on the liberty of the citizen. You know our courts have the habit of doing that sort of thing. Nor do I believe that the law prescribing districts for such women to live in would be successful. How are you going to make the women go there and live there? Moreover, the men would not be seen crossing the line of that district. Everybody would point at them. The natural tendency of these women is to congregate in districts, and no law is needed for that purpose. But so soon as you fix a district for them by law, men will be ashamed to be seen going there, and of course the women will not stay there in that case. I suppose that what the Mayors of cities should do is to see that they are not driven out of the districts in which they naturally congregate, and scattered all over the city, as Parkhurst did with the women here some years ago. From a limited number of houses he scattered them into thousands of flats and dwelling houses all over the city, to the great scandal and misleading of women and girls living therein. The licensing of gamblers is equally objectionable. If you license a limited number, what would all the others do? You would have just as much trouble to keep them from running gambling houses as you have now. It is easy for people to talk, Mr. Mayor, but you and I have to do the best we can under the conditions which surround us. These few virtuous people who think that we ought to be able to make everybody as virtuous as they are, or rather as virtuous as they think or pretend they are, all at once, would make the worst fist of all dealing with the matter if they had the chance. But I do not think they will ever be given a chance. People have too much sense for that. While we have gambling and other vices here, and some graft, I suppose you know that this city is the most orderly and decent among the large cities of the world. Certain degenerate newspapers and others hold it up as the contrary, but they deceive nobody.

Hon. George J. Karb,  
Mayor, Columbus, O.

*"The Vestibule of Hell" and "Scamps"*

December 16, 1912.

Reverend and Dear Sir: I thank you for sending me the address to your congregation regarding conditions in Greenpoint, Brooklyn. I am aware that your congregation is very large, and it is due to you that I take notice of what you say. I agree with you that the people of Greenpoint are not given over to vice and crime and disorder. The very few preachers who are saying that are mere notoriety seekers, and, as a rule, minister to empty benches, as might be expected. People go willingly to hear those who have the great charity and love of Jesus in their hearts. There are bad people in Greenpoint, the same as everywhere else, and we must do the best we can to turn them from their evil ways. I see one clergyman over in your immediate neighborhood says that Brooklyn is the "vestibule of hell." These are his words. What a charitable soul he must be. And yet the truth is, shown by the records, that Brooklyn is freer from crime and vice than any other equal population in the world. Its entire criminal business above the grade of petty offences is disposed of by one criminal court. Just think of that being true of 1,750,000 people. And yet there are some scamps who call Brooklyn the "vestibule of hell." But we must be charitable and kind to them, and try to reclaim them from their uncharity, and their propensity to bear false witness.

Rt. Rev. P. F. O'Hare,  
Brooklyn, N. Y.

*Segregating Vice*

December 17, 1912.

Dear Sir: I have read your letter of December 16th, with great interest, and I thank you for it. But you must

remember that the mere passing of a law does not do a thing. It is one thing to pass a law, and quite another to enforce it. The things which you advocate could not be done unless a new law were passed. Neither could they be done if such a law were passed. You would have a law that all prostitutes should live in a certain section of the city, to be definitely bounded and set apart. Will you be good enough to let me know how you would get the women to go there and live there? Who would pursue them and catch them and put them there? And how strong a guard would you need around the district to keep them there when you got them there? And if such a district were bounded and established, do you think men would go there? Do you not know that they would be ashamed to be seen going there? Every one would point at them and laugh. And if the men did not go there certainly the women would not stay there. This thing has been tried in different places in Europe and has always proved a failure. I think it was tried the last time in Rome, Italy. I have been told there is such a district in Hamburg. If there be one bounded and established by law, I feel certain it is only for sailors and their trulls. It might be that people of no shame or feeling would resort to such a district, but the number of such people is limited. There seems to be a large number of people who think that all you need is to pass a law that the thing be done. And then you advocate that all such women be medically examined once a week. Well, if you could keep them all in that district by force, it may be that you could examine them all in the same way. But you cannot keep them there. How then are you going to find them to examine them? Do you think they would all present themselves voluntarily on a public notice? We did have a law passed here a few years ago that such women brought into the courts should be medically examined and treated, but our highest court declared that law unconstitutional and void. Have you ever thought of all the difficulties in the way?

No one is fit to participate in government who has not studied government and law. You might as well call a cobbler in to cut your leg off instead of employing a surgeon. You also want a law locating all gambling houses in the same way. But you would have just as much difficulty to carry out that law. The gamblers would do just as they do now, run gambling houses secretly wherever they can, and leave the police to find them out and prosecute them. And your law providing for the licensing of a limited number of gamblers, and that no other gambling houses should be permitted, would be equally a dead letter. Those who could not get licenses would do just what gamblers are doing now, namely, open up secret places and take their chances with the police, and corrupt the police. And in the same way I might follow you through all your recommendations. Of course you are entirely honest about them all, but you could not enforce them by the mere passing of a law, nor could such a law be enforced. There is no more unwise thing in the world than to pass laws which cannot be enforced.

B. F. Schwartzberg, Esq.,  
Brooklyn, N. Y.

*Washington and Lincoln*

December 24, 1912.

Reverend and Dear Sir: I spent two delightful evenings reading your recent book, "Washington and Lincoln." Once I began I could not lay it aside until I had read it through. I have always had a fondness for those books which give us what I may call the philosophy of history. I wish you had the leisure to take this book as a skeleton and fill it out, for it is evident you have the philosophical mind necessary for that kind of writing.



The reading of your book stimulates many reflections. Washington and Lincoln were great and true men, but it is easy to exaggerate the greatness of individual men. No man, or mountain or even planet seems large when you think of God. There is much of halo around the names of Washington and Lincoln. The great eras in which they lived are epitomized or apotheosized in them. And in that way they survive as great. That is what made Elizabeth so great, or to be called so great. The great men, the great deeds, the great events which surrounded her made her great.

This is more true of Washington and Lincoln than of any other two characters in history of whom I can now think. But when you brush aside the halo and make allowance for the reflected greatness, a great man remains in the case of each.

The general impression of Washington is largely mythical. We think of him as a good man, who told the exact truth always, and never got angry, and suffered everything patiently, and was of great justice and accuracy of judgment, but not a genius or of extraordinary ability.

This is all in the main true of him; but as a matter of fact he was of warm blood and prone to passion, as his contemporaries agree. He is even known to have sworn like a trooper at times. And his face was pitted, and he had decayed teeth, and other physical imperfections.

But when we remember that he was Commander in Chief of the Colonial armies in the Revolution, and consider the vast extent of that conflict, and the things which he did and suffered, and the patience, vigilance, and prudence which he exercised, we have no doubt that he was a great man.

He was great even in his succession of defeats. He looked larger after each, even to most of his contemporaries. No severer test than this can be applied to a man.

The theatre of that war was one of the largest ever known in the world. Its strategy and logistics involved

the longest distances of any war since Alexander went into Asia. Think of a British column coming down from Canada by the Mohawk Valley to meet at the Hudson River another British column coming around from Canada by Lake Champlain and Lake George, the strategy being to take possession of the Hudson River and thereby cut New England off from the other colonies. It was defeated by the check at Oriskany and the surrender of Burgoyne at Saratoga. Large strategy was met by large strategy.

Think of the distances covered by the two columns that made the attack on Quebec, one going by the lakes and the other way across Maine. The prisoners surrendered by Burgoyne at Saratoga were sent to Boston, and thence way down to Charlottesville, Va.

And, at the end, not to mention the battles fought and the immense distances covered meanwhile, South and North, the troops of New York, Pennsylvania, and New England marched way down to Yorktown in Virginia and there ended the war by the surrender of Cornwallis.

These are only some instances which show the greatness of the War of the Revolution. To those who consider what war is and what strategy is in war, Washington never appears greater than during the two long years in which he sat down with his 4,000 or less ragged troops at the Highlands of the Hudson and stood guard over that great river which held and united the New England colonies with the other colonies and the loss of which would have been fatal to the Revolutionary cause.

He looked only to the result. He betrayed no anxiety for fame, much less to do brilliant things for the sake of fame. If the best strategy was to sit still he was willing to sit still. From whatever aspect we view him during the long struggle we still see his greatness.

When we look at him we find that he looked like other men and had weaknesses. But all the time there was a saving grace of patience in the man which balanced all his other qualities, good and bad, strong and weak, and made

out of them all one of the most perfectly poised characters of history.

He fully illustrates the saying that patience is the possession of great souls.

Then when it was all over the simple man still remained. He was entirely content to go back to his farm and his slaves and his whisky distilleries and go to work.

His character also appears to have been developed before he became General of the armies. He had had considerable military experience, had marched long distances, and fought as a soldier before the Revolutionary War. No one can contemplate him on the march with and at the awful defeat of Braddock without being impressed with the greatness of his character.

And eight or nine years after the Independence was achieved, when he was called from his retirement to help in the formation of the National Constitution and to be President, his judgment and wisdom were still equal to every test.

He was not the equal in knowledge of history, economics, and government of the men who surrounded him; but after he had listened patiently to their counsels his judgment was safe and sound.

I do not perceive that he was a man of instinct. Nor does he seem to have had a single superstition—one of the weaknesses of great minds. Nothing came fully to him except by advice and reflection.

The character of Lincoln was different.

He also lived in a great time, amid great events, and surrounded by great men, who did great things, all of which is epitomized or apotheosized in him.

But when we look to see the actual things which he personally did we perceive that his life was in that respect a contrast to that of Washington.

He signed the Emancipation Proclamation. That was a momentous fact in history. But it had to be almost extorted from him. And the Russian Emperor had done the like not long before.

There were those who saw early, even from the beginning, that that measure would consolidate and energize those devoted to carrying on the war. But he was slow to see it. And yet he did finally see it, and do it and, it may be, at the best time, namely, in the fullness of gestation and time.

Unlike the case of Washington, those around him, and especially members of his cabinet, did not greatly respect him. Many of them were certain that they knew much more than he did. Some of them called him an old fool, others a buffoon.

He was blamed for every blunder or failure of his Generals in the field.

The newspapers, including practically all of them in New York City, condemned him as incompetent and small.

His Generals ridiculed him and resented his interference. McClellan showed contempt of him. Even Grant smiled at his military advice. In his Memoirs Grant tells us how when he had been called to Washington to take charge of all the armies, and especially the Army of the Potomac, Lincoln brought out an old map on which he had marked the positions held by the troops on both sides in Virginia, and pointing out two streams which ran into the James (or the Potomac?) advised Grant to put his army between these two streams, and with his flanks thus protected, move along against Lee's army. Grant dryly says that he remained silent, Lincoln not perceiving that the two streams would be as much of a protection to Lee's flanks as to his.

Grant says he would not reveal his plans to Lincoln for the reason that he was so kind-hearted that some one would pick them out of him, and in that way they could become known to Lee.

But he had more philosophy than all of his advisers and Generals and critics put together. And herein was his greatness.

His name will live principally because of his literary

ability and his philosophy, both of which were transcendent.

The letter he wrote to the woman who had lost five sons in the war, his speech at Gettysburg, and some parts of his second inaugural would make the literary and philosophical reputation of any man.

His philosophy was constant and shone through all his acts.

He died at a fortunate time for his fame. What a different figure might he be to-day if he had lived to go through all the passions of the next four years of the reconstruction period.

But even in that case his philosophy would in after years vindicate him and reveal his true greatness. But it would take time.

I note the setting you give to the adoption of the Declaration of Independence, including the incident of Franklin saying facetiously to his associates that if they did not hang together they would hang separately.

But it has always seemed to me that that event was not as heroic as generally considered. If it had occurred at the beginning of the Revolution it would be one of the most heroic things in history.

But when we remember that Lexington and Concord and Bunker Hill and Ticonderoga had been fought more than a year before, that the people of all of the Colonies had deposed their royal Governors, and set up Governments of their own, that Canada had been invaded and Quebec assaulted by the Colonists, that Howe had evacuated Boston—that, as a matter of fact, every Colony was at the time independent and governing itself—the Declaration of Independence by the Congress of the Colonies ceases to have that aspect of heroism which we generally attribute to it. The Declaration of Independence only recognized an existing condition.

And when we come to the making of the National Constitution, it seems to me that that work has been the subject of exaggeration also.

You quote the alleged remark of Gladstone that the American Constitution was "the most wonderful work ever struck off at a given time by the brain and purpose of man."

But it was not struck off at a given time. On the contrary, the different Colonial or State constitutions, which had been framed with wisdom and care, one after another, during a generation, or nearly so, served as a model for it.

Excepting the separation of the National powers from the State powers, and the conferring on the National Government exclusively those things which pertain to international sovereignty, I do not recall anything in it, or any principle in it, which the framers of it did not have right at hand in the state constitutions and bills of rights.

That nice and complete subdivision of the powers of government among the three branches of government, the executive, the legislative, and the judicial, which has been so much extolled, was common to all of the State constitutions and bills of rights and was expressed therein in the most scientific and felicitous manner.

It is enough to refer to the Virginia and Massachusetts constitutions and bills of rights as samples of them all.

This separation of the powers of government was already expressed in the Massachusetts Bill of Rights in a manner which has never been excelled, viz.:

"In the Government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men."

You help to do justice to Thomas Paine.

What a strange thing it is that that extraordinary man was so long set down as an atheist. Some people still think

he was an atheist. And yet no man ever had a fuller belief in the existence of God, or a greater reliance upon him.

He was an infidel, it is true. But an infidel may not be an atheist. A Unitarian is an infidel. Every one is an infidel who does not believe in all the fundamental doctrines of Christianity.

We are not so prone to call people infidels as we once were. Most of us are now quite content with a man who can say that he sincerely believes in the existence and goodness of God. If he finds it difficult or impossible to believe that there are three Gods or three persons in the one God, and the like, he is looked upon with charity, at least.

You make some allusion to the morality of the great men of the period of Washington and Jefferson and Hamilton and Franklin. You specify Jefferson and Franklin.

Thomas Hamilton, the young Englishman who traveled through this country and wrote about it in 1832 or thereabout, sums up all the political scandal about Jefferson as follows, viz.:

“The moral character of Jefferson was repulsive. Continually puling about liberty, equality, and the degrading curse of slavery, he brought his own children to the hammer and made money of his debauchery.”

And he goes on to say that even at his death Jefferson did not by his will free his numerous offspring, and that a slave daughter of his was afterward purchased by a society of gentlemen at auction in New Orleans to testify their admiration for the statesmanship of her father. And he quotes that line so often bandied about concerning Jefferson during his lifetime, namely, “Who dreamed of freedom in a slave’s embrace.”

But I think the world now knows that this was mainly the slander of political enemies. It is certain that it did Jefferson no harm at the polls, from which we may well infer that it was not generally believed.

Franklin did have a natural son, and took to wife a woman who was the wife of a man who had deserted her but was still living.

But some allowance has to be made in such things in new countries where society has not yet assumed a settled form.

You also say of Franklin that his writings can hardly be published to-day unless in an expurgated edition. I do not understand this. I do not see a thing in them to expurgate. I am aware that some have expurgated his autobiography, but the things which they cut out seem to me the very things most necessary for our boys to read. And they are expressed in words chaste and wholly inoffensive.

May I call your attention to an error in your book. You say that Chief Justice Taney said in his opinion in the Dred Scott case that "negroes were so far inferior that they had no rights which the white man was bound to respect."

This is an old error. It has been repeated so often, and in such trustworthy places, that it is not extraordinary that you give credence to it. It was repeated by the political orators all over the country in the Fremont campaign, and again in the first Lincoln campaign, and thousands of times has it been written in newspapers and books.

And yet there is not a word of truth in it. Chief Justice Taney never said it, or anything like it.

In his decision he speaks of the negro race as "that unfortunate race," and gives a history of their condition during the century preceding the Declaration of Independence and the Constitution of the United States. And the words you quote occur therein. Let me give the whole passage:

"It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Decla-



ration of Independence and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken. They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it."

And he adds:

"And in no nation was this opinion more firmly fixed or more uniformly acted upon than by the English Government and English people. They not only seized them on the coast of Africa and sold them or held them in slavery for their own use; but they took them as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world."

Instead of speaking of the negro race as having no rights which the white man was bound to respect, he spoke of it in charity and commiseration, clearly revealing that he was of no such opinion.

And indeed, at the time of the Dred Scott decision, namely, in 1856, the negro had equal rights with the whites in most of the States of the Union, and many rights of person and property were secured to them also in the slave States.

At the beginning we had slaves in the States here in the North. But one State after another freed its slaves

by passing a statute for that purpose. They seem to have done it because slavery was economically unprofitable in the North.

And in a number of States, as in New York and Pennsylvania, the taking effect of these statutes was set far enough ahead to enable slave owners to bring their slaves South and sell them before the statute became operative.

But I must not go on this way, or you will find me loquacious. My purpose was only to express to you the delight I experienced in reading your book; all the greater on account of my agreeable personal acquaintance with you. I hope it will have a wide sale. It deserves it. Everybody in your congregation ought to read it first, if they have not done so already.

Rev. Robert W. McLaughlin, Pastor,  
Park Avenue Congregational Church,  
Brooklyn.

### *Free Speech and a Free Press*

December 27, 1912.

To the Honorable The Board of Aldermen, Gentlemen: I return disapproved the proposed ordinance, No. 89, entitled, "An ordinance relative to motion picture theatres."

I am constrained to do this because of the provisions therein creating a censorship. It is provided that the Board of Education shall appoint one or more censors to examine all motion pictures in advance and determine whether they may be exhibited or not.

It has hitherto been the understanding in this country that no censorship may be established by law to decide in advance what may or may not be lawfully printed or published. Ours is a government of free speech and a free press. That is the cornerstone of free government. The phrase "the press" includes all methods of expression by

writing or pictures. In past ages there were censorships to decide what might be published, or even believed. Every Christian denomination has at one time or another been subjected to such censorship. The few were very anxious not to give freedom of speech or of the press. They thought the many were not fit for it. They therefore set themselves up as censors and guardians over the bulk of their fellow men. The centre of thought was then among the few, and they were very anxious to keep it there. But in the course of time, in spite of all opposition, the centre of thought began to pass from the few to the many, where it is to-day. It was then that censorships, and all interference with freedom of speech, of the press and of opinion, began to give way by degrees, until in the end all of them, at all events with us, were abolished. And that is now substantially true under all free governments throughout the world.

In our fundamental instruments of government in this country, which we call constitutions, we expressly guaranteed from the beginning free speech and a free press, and prohibited the passing of any law abridging the same. The provision in the constitution of this state on that subject, which is substantially the same as the like provision in the constitution of the United States, and also of the states generally, is as follows:

“Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.”

So universal has been the opinion that these constitutional provisions abolished all censorships of the press, and forbade them in the future, that I have been able to find only one attempt in this country to set up such a censorship before this one of yours. Our constitutional provision plainly is that publications whether oral, or printed, or by writing, or by pictures, shall not be restrained in

advance, but that every one shall be free to speak or publish what he sees fit, subject to being prosecuted afterwards for libel, immorality, obscenity or indecency therefor. There seems to be a few among us who wish us to retrace our steps, and resort to censorships again in advance of publication, and make it a crime to publish anything not permitted in advance by the censor. Do they know what they are doing? Do they know anything of the history and literature of the subject? Do they know that the censorships of past ages did immeasurably more harm than good? Do they ever stop to think that such censorships now would do even more harm than they did in past ages, in comparison with what little good they might possibly do? I do not believe the people of this country are ready to permit any censor to decide in advance what may be published for them to read, or what pictures may be exhibited to them. Our laws forbid the publication of any libelous, obscene, indecent, immoral or impure picture or reading matter. Is not that enough? If anyone does this he commits a criminal offense and may be punished therefor.

If this ordinance be legal, then a similar ordinance in respect of the newspapers and the theatres generally would be legal. Are you of opinion that you have any such power as that? If so, you should probably begin with the newspapers and the so-called high-class theatres. Once revive the censorship and there is no telling how far we may carry it. These moving picture shows are attended by the great bulk of the people, many of whom cannot afford to pay the prices charged by the theatres. They are a solace and an education to them. Why are we singling out these people as subjects necessary to be protected by a censorship? Are they any more in need of protection by censorship than the rest of the community? That was once the view which prevailed in government, and there are some among us, ignorant of or untaught by past ages, who are of that view now. Are they better than the rest of us, or worse?

When I became Mayor the denunciation of these moving picture shows by a few people was at its highest. They declared them schools of immorality. They said indecent and immoral pictures were being shown there. I personally knew that was not so. But I had an official examination made of all the moving picture shows in this city. The result was actual proof and an official report that there were no obscene or immoral pictures shown in these places. And that is the truth now. Wherefore then is all this zeal for censorship over these places?

The truth is that the good, moral people who go to these moving picture shows, and very often bring their children with them, would not tolerate the exhibition of obscene or immoral pictures there. A place in which such pictures were exhibited would soon be without sufficient patrons to support it. At all events, the criminal law is ample to prevent the exhibition of such pictures. I have asked these people who are crying out against the moving picture shows to give me an instance of an obscene or immoral picture being shown in them, so that the exhibitor may be prosecuted, but they have been unable to do so. What they insist on is to have the pictures examined in advance, and allowed or prohibited. That is what they are still doing in Russia with pictures and with reading matter generally. Do they really want us to recur to that system?

Perhaps I should say I understand that comparatively few of your honorable body are in favor of the censorship. Many of you voted for the whole ordinance in the belief that the Mayor had the right to veto the censorship provisions and let the rest of the ordinance stand. But I find that the Mayor may not do that. The censorship provisions are not independent of the rest of the ordinance, but interdependent and so connected therewith that the whole ordinance must stand or fall as a whole.

I trust you will pass the ordinance which the commission prepared. It safeguards these most important

and wholesome places of amusement physically and morally.

*Decides a Newspaper Contest About Boiling Eggs*

And so I am to decide this great egg question, how to cook an egg, and how long to cook it? First you must get the egg, a fresh egg. But where are you going to get it? That is the most difficult part of the question. It is a hard job. Call in some one else to decide that. Consult the hens. Hens sing in the laying season, which some people seem to doubt. If you can get the egg while the hen is singing you will be sure it is fresh. And then about cooking it. I see you have brought it down simply to a question of boiling it. How to boil it? I decide that you can only boil it in boiling water. And how long? Why, that is easy to decide—as long as you like. If you want it as hard as a bullet, boil it 30 minutes. If you want it nice and soft, as soft as the pates of some people, you can only boil it a little while. On that head I decide in favor of the little girl who answered my question in the school. She said that it would take six minutes—by which she meant that from the time she went to get the egg until she took it out of the pan cooked, six minutes would elapse. She was entirely right. And I suppose she also meant that you would put the egg in the water before the water boiled, and let the water heat and begin to boil with the egg in it. I decide that she was right in that also. If you let the water boil, and then throw the egg in, the shock is too great for the egg. You see I know a good deal about eggs and cooking eggs. I am just the right one to decide this egg question.

*His Tongue Hung in the Middle*

January 3, 1913.

Dear Sir: Your letter calling my attention to some words of Rabbi Wise, and also giving me some of his per-

sonal history, is at hand. Never mind about Rabbi Wise. He cannot stop his tongue from wagging at both ends, for it is hung in the middle. I suppose some people like to listen to a man like that. It is a mental rest to them. These rhetoricians have all been the same from the beginning of the world. "With malice toward all and charity toward none," seems to be his frame of tongue, and that suits all who are of the same frame of mind. The self-sufficient, all-sufficient, insufficient Rabbi Wise. How is that? I wish him a Happy New Year. He is such a pious and truthful man. I understand he is a man of such firm faith that his daily morning and evening prayer is as follows: "Oh God (if there be a God) save my soul (if I have a soul)."

J. C. Brooks, Esq.

*A Man of Accomplishments*

January 7th, 1913.

Dear Mr. Harris: Your letter about Rabbi Wise, who you say is not a Rabbi at all, is at hand. The particulars you give of him are quite interesting. But I fear you take such blatherskites too seriously.

He is a man of vast and varied misinformation, of brilliant mental incapacity, and of prodigious moral requirements.

B. Harris, Esq.,  
New York City.

*Reply to a "Screech"*

January 8th, 1913.

Reverend Sir: Your letter complaining that the Water Department is annoying you by examining the plumbing of your house, and requiring a leak to be repaired, was duly received. You say that this course on the part of the Water Commissioner is (I quote you) "so

positively annoying, that no decent, intelligent citizen desires to own a piece of tenement property." You also say as follows: "I ask you in all fairness and justice are you going to allow this sort of mismanagement to continue? Can't you find an intelligent man with common sense to put at the head of the Water Department?" Your letter is uncharitable from beginning to end. And without hurting your feelings may I add it is what is usually called mean. I receive such letters now and then, but this is the first one that has come from a clergyman. Do you know Mr. Thompson, the head of the Water Department? Do you not know that he is conceded to be a first class man, and probably the best Water Commissioner the city ever had? Why do you try to strike him behind his back by writing such a letter to me? Why did you not go to him and be fair and square with him?

But I overlooked the uncharitable tone of your letter, and had a careful examination made into your case. I am able to report to you that a leaking faucet was found in your house, that you repaired it, and that your plumbing is now in good condition. May I also inform you that Mr. Thompson instituted an examination of the plumbing throughout the city to prevent waste of water by leaks. The result has been a vast saving to the city. By this system of inspection Mr. Thompson has saved in Brooklyn alone 10,000,000 gallons daily since last August, which, at meter rates, is a saving of \$922,355. And allow me to add that this was done at a cost to the city of less than \$25,000. In the borough of Manhattan over 60,000,000 gallons a day is being saved in the same way at a like cost.

Now do you not think you owe Mr. Thompson an apology? Do you not think you ought to go to him as one man goes to another, and say a word of commendation to him instead of abusing him?

Rev. Frederick J. Keech,  
Brooklyn, N. Y.



*Tribute to Motherhood*

January 8, 1913.

Dear Mr. Riess: I am in receipt of your letter informing me that your father-in-law and your mother-in-law, aged eighty-six and eighty-five years respectively, are to celebrate their diamond jubilee next Sunday, after having been married sixty years. I wish I could attend. The most important thing of all is that they have raised a family of eight children. They are deserving of the highest honor, especially the mother. The women of this country who are postponing motherhood, or refusing it altogether, are denying themselves the greatest happiness that can come to a woman.

Julius Riess, Esq.,  
New York City.

*To the Mayor of "Boyville"*

January 15, 1913.

My Dear Mr. Mayor: I am informed by your letter of your election as Mayor of Boyville. I congratulate you, and greet you. I hope your administration will be a success. It cannot be a success unless you have a good mental and physical spine. And also some patience and philosophy. And also as little conceit and smartness as the law allows. The self-sufficient, all-sufficient, insufficient fellow in office makes every one smile and shrug his shoulder, if not both shoulders, and sometimes wink his left eye also. You have duties to perform. You must not be swerved from the performance thereof by clamor, by abuse, by lying, by corrupt newspapers, by the influence of party politics, or be led by any influence except your desire and purpose to do God's will. If you go along in that line your administration will be a success. Every evil influence will be against you, it is true. And such influences are very powerful in our time, and especially in our cities. But you will succeed. Some of

the mud thrown at you may stick for a while, but before your term is up it will all have worn off, or been brushed off by the hands of just men and women, and you will be seen of all as a true man who has done his duty. I do not know what kind of a city Boyville is, but I suppose it is very much like all other cities, made up of good people, and bad people, and uncharitable people, and a few people whose minds, like their livers, are filled with ulcers, of people who want to help you, and of people who want to hurt you, with a few people thrown in who hate everybody else, and think they are better than anybody else, when they are only more bilious than anybody else. If you are so fortunate as to be Mayor of a city that has all good people, then my letter has no application. However things may be, I wish you every success.

Hon. Edgar Mills,  
Mayor of "Boyville,"  
Chicago, Illinois.

*Slavery*

January 16, 1913.

Dear Mr. Howe: Your letter of January 16th suggesting that one of the negro race be put on the committee for the celebration of the 300th anniversary of the settlement of Manhattan Island, is at hand. You remind me that shortly after the arrival of the first settlers the first negro slaves were brought here and sold at auction at the old stockade. How strange all that sounds. But it sounds still stranger that slavery existed in the State of New York when Lincoln was born in 1809, and was not abolished until the year 1827, namely, by an act of the Legislature. Some people are astonished when they hear this, and doubt it. On January 1st, 1863, President Abraham Lincoln by proclamation freed the slaves in all sections where armed insurrection against the United States existed. This left slavery untouched in the states and sections not in a state of insurrection. Slavery was

finally abolished throughout this nation in 1865 by a constitutional amendment. It took over 1800 years of Christianity to strike the shackles from the slave.

I knew out in Flatbush, now a part of Brooklyn, an old woman who was owned as a slave there when she was young. Her name was Maria Jackson. She died at the age of 105 years a few years ago. Her husband had also been a slave there. I often talked with her on the subject, and she said her life as a slave was happy and that they were all well treated.

The committee is now made up, and out of my hands, but I will see if the chairman can find a place for one of the negro race.

James H. Howe, Esq.

*Pierre Loti's Nonsense*

Febry. 17, 1913.

Dear Mr. Johnson: I fear a lot of people are annoyed by the article of Pierre Loti in the February CENTURY. If it had appeared in some minor magazine, it would not matter, but appearing in the CENTURY it will receive credence all over Europe. The picture he gives of this city is quite grotesque.

As his ship comes up to the dock he says he sees "A thousand chimneys belch forth black smoke or white eddies of steam." The fact is that Europeans immediately notice that unlike other large cities this city is almost free from black smoke. There are very few chimneys here belching black smoke. They are the exception here, but the rule in other cities. This is the one great city which has remained comparatively free of black smoke. And then he says that "On all sides enormous signs are spread out not less than 40 feet high." Now it may be that he saw one sign of that kind. He continues: "The shriek of whistles, the dismal moaning of sirens, the rumble of motors, and the din of factories, deafen the ear."

This is all before he gets ashore. He says that on the declaration paper they gave him aboard ship one question asks him, "Are you an idiot?" Is that true?

He finally gets to his hotel. It is of such great height that he cannot tell the number of stories. The elevators in it are "prodigious." It overlooks Central Park, so that he can see the trees, and yet we find further on that it is somewhere over on Broadway. From his window he says he looks down on the buildings, "all of them red, a dark red, shading into chocolate brown. Everywhere are walls of red brick; everywhere terraced roofs, without tiles of course, but covered with some sort of waterproof material, also painted red." From what hotel window could he see anything like this? Where are these red buildings? He goes on: "These terraces (namely, these terraced roofs), form promenades for the inhabitants, their dogs and their cats. Men sit there in their shirt sleeves." Where are all these terraced roofs in the city of New York? I am aware that we have a few public roof gardens, but for our houses to be covered with terraced roofs is something none of us knew up to this time.

Still at his window he goes on as follows: "A never-ending roar reaches me from below. There are automobiles, as in Paris, and in addition, the elevated trains, which run on a noisy iron trestle level with the second or third stories of the houses. But underground there are still others, rumbling like thunder in the bowels of the earth." From his skyscraper window he even hears the thunderous rumble of the subway trains. I did not know that we could hear these even from the surface of the street.

He is interviewed by the reporters. They ask him what he thinks of the women of New York, and he answers: "I have seen only one woman since I arrived, a chambermaid in the elevator, and she was a negress." What hotel in New York City has negresses for chambermaids or servants?

At 9 o'clock at night he descends from the lofty story of his hotel and joins the crowds below in Broadway,

from which we learn that his hotel is in Broadway. He gives a picture of what he sees on the sidewalk, as follows: "And what a mixture of races. One recognizes, as they pass, Japanese, Chinese with the European haircut, Greeks, Levantines and fair-haired Scandinavians." Did he see, even one of these, unless the last? If he did, it was quite unusual. He then says that many handsome, well-dressed women went by, and goes on to say: "But really there are too many negresses. One passes at every step a black face under a large hat trimmed with roses." Who else ever saw this procession, especially of negresses in Broadway or any other street here?

He goes out into Central Park on Sunday. He tells us that squirrels have taken possession of the park. Now we all know that in two or three places in the park squirrels come around your bench for a nut, but he gives this as the case all over the park.

He then speaks of the luxury "in the opulent quarters that surround the park." He says: "Mulatto doorkeepers in gallooned liveries stand under marble or porphyry portals flanked by Greek, Byzantine or Gothic colonnades, and by wrought-iron gateways of which our own cathedrals might be proud." I have been along Fifth avenue very often, and into some of the houses, but I never saw any of these mulatto doorkeepers, nor did any one else.

These are some of the most extravagant things in this article. Where he saw one negress he seems to imagine a procession of them, and so on with all the sights and sounds which he writes of.

May I also say a word about the article in your same number, "Lincoln as a boy knew him." Such articles are very often filled with exaggeration. The writers of them draw on their imagination very largely in order to heighten their own consequence. Did this boy ever see Mr. Lincoln in the handball court, and hold his coat? Why should Lincoln ask him to hold his coat while he played? And then why should we believe that Lincoln

received while playing "the inevitable chaffing of the Irish players and spectators?" Why should they be so rude as to chaff him? Was Lincoln so grotesque that people chaffed him in that way? I think not. I think he was one of the most dignified of men. He dressed like a dignified gentleman, and acted like one. Among his slouch hat contemporaries he even wore a "tall hat." This writer also gives other interviews with Mr. Lincoln that seem to me wholly apocryphal. When he went to Lincoln, the practicing attorney, for a subscription for a fire company he says he told Mr. Lincoln the name of the engine was to be "The Deluge," whereupon Mr. Lincoln entered into a discussion of the subject, and said he liked that name better than "Spouter" or "Gusher." How does he remember this? Other like questionable things are stated. And he says that when Lincoln was running for the Presidency there was a large political meeting held outdoors in the suburbs of Springfield, and that "about the grounds were hogsheads of ice water and washtubs of lemonade." Now I can attest that there was no such use of ice water at that time. It came into use much later.

Robert Underwood Johnson, Esq.,  
Editor, Century Magazine,  
New York City.

*Subways and Corrupt and Rag-bag Newspapers*

Feb. 17, 1913.

Dear Sir: Your letter about the subways is at hand. You say as follows: "I personally am in favor of the city building and controlling the subways, but I thought you might have a good reason to the contrary, so if you will please enlighten me I shall be very much obliged."

As you seem to be an honest man, I am willing to write you fully about the matter. You say you favor

the city building and controlling the subways, and want to know the reason why I am not of the same view. It is very discouraging to me to learn that you think I am not of that view. You could only have been brought to that view by reading certain false and corrupt rag-bag newspapers we have here. You certainly have never heard or read a word from me to the effect that I was not of that view. Of course you may have read the intentionally contrived falsehoods and forgeries to that effect by the newspapers I have referred to. I am, as I always have been, in favor of the city building and controlling its subways. Do you not know that I publicly advocated that for years? And, as a matter of fact, do you not know that the city does build, own and control its subways? Do you not know that the city is now about to build many miles of subways and is to own and control them? The present subway was built by the city, and is owned and controlled by it. Every dollar that went into its construction was furnished by the city. Do you not know all this? If not, where or under what basket, have you been living?

And, as I have told you, the subways which are now about to be built are to be built, owned and controlled by the city. The city, however, has not sufficient borrowing credit to build them, unless through a long course of years. Therefore the operating companies are putting up one of them one half and the other a large part of the money to construct these subways. But the companies do not build them or own them. They only operate them on a lease. The money they put in for construction they pay over to the city and the city builds the subways with that money and the amounts it puts in. Did you never hear that? And the city owns and controls the subways from the beginning. That the companies put in part of the money for construction gives them no ownership of the subways. The money they put in is paid back out of the earnings. The city does not guarantee it in any way. The money the city puts in is paid back in the same way. And when the subways are completed they are leased out to these

companies for a term of years. That lease is drawn by the city, and gives it full control. And the city may end that lease by the terms thereof at any time after ten years, and operate the roads itself if it sees fit.

The companies put in all of the money to equip these roads. The city puts in nothing for equipment. The city could not put in anything for equipment because it has not the money, namely, it has not sufficient borrowing margin to raise the money. You know, of course, that by a provision of the constitution of the state the city cannot borrow money or incur indebtedness beyond a sum equal to 10 per cent. of the real estate values as they appear on the assessment rolls. Did you never hear of that? If you never heard of these things why don't you read some decent newspaper and learn them, and let the rag-bag newspapers go?

Now I have answered your questions fully. You speak only of the city building and "controlling" the subways. You do not speak of the city "operating" them. The city could not operate them now because, as I have shown you, the city has not borrowing credit enough to raise the money to equip them. If we waited until the city could by degrees build and equip these subways out of its own funds, we would have to wait one quarter of a century at least. Did you never hear that? The whole cost is to be about \$300,000,000. Moreover, I think most of us feel that city politics and government are not yet quite sufficiently stable and safe here to entrust to it the operation of our railways. We therefore lease them out for terms of years to operators; and when these leases are up the equipment also becomes the property of the city. The roads belong to the city from the start. And, moreover, as I have told you, there is a provision in the lease that after ten years the city may take all these roads and equipments over and operate them itself, if it be in a financial condition to do so.

Now have I answered you, and are you satisfied? Do not be deceived by rag-bag and corrupt newspapers. Why



not drop them, and start in reading decent newspapers from this time on.

Emanuel Deutsch, Esq.,  
New York City.

*The Recall and Clamor*

Feb. 18, 1913.

Dear Sir: You ask for my help in your forthcoming debate on the question of the recall. I do not believe in the recall either for judges or any other officials. We already have ways of removing corrupt or wrong-doing public officials without calling a vote on the question. And also our terms of office are generally so short that we can recall officials quickly enough at the end of their terms. If the recall existed more officials would give way to clamor than now. We have officials enough now giving way to the abuse and clamor of demagogue scamps and their ignorant followers. And past history illustrates to us that public clamor is almost always in the wrong. It is no better now than when it sent Jesus to the Cross. And we often mistake clamor for the voice of the community. It is so loud that we think it includes everybody, whereas in fact it may include very few. But these few make more noise than all the rest of us. As you well know out in Kansas, one strident grasshopper in the angle of a fence makes more noise than the noble herd of cattle nearby. The official whom we should all honor is the one who stands up like a man against clamor. We hear much nowadays from certain public officials that they are elected to please the people by doing as they wish. There is no more dangerous notion among us than this. Officials are elected to rule according to the laws, whether the people like it or not. The people make their own laws by their representatives sent to the legislature. Then they elect executive

and judicial officials to stand by these laws and carry them out, clamor or no clamor.

George A. Swift, Esq.,  
Salina, Kansas.

*Subway Financing*

February 21, 1913.

Dear Sir: Your letter is at hand. You say you object to the city or the railroads going to the firm of Morgan & Co. for money. The city does not go to Morgan & Co. for money. When the city sells its bonds they are publicly advertised and go to the highest bidder. The bidders and purchasers are many. You can bid for and purchase even one bond if you wish. As to railroads, I am sure I do not know where they will get money to build and carry on their enterprises except of bankers. Where would you have them to go for it? To cobblers? We do not buy shoes of bankers or money of shoemakers. One of these subway companies borrows its money through Schiff & Co.; the other through Morgan & Co. As a matter of fact I am informed that 280 banks and individuals agree to take the bonds. I do not know that Morgan & Co. take any of them. Of course you may not understand that these operating companies cannot sign the contract with the city to put in and pay over to the city the vast sums which they are called upon to expend in building the subways without first having made a contract for the money with bankers, or people who deal in or lend money. They are not in a position to contract with the city until they first have a contract securing to them the money necessary. They cannot pick the money up off the street as they go along. I understood their bonds are being placed at 96. I should think that was a fairly good placement of them at this time. The city is in no way liable for these bonds. The city does not guarantee them. It has nothing to do with placing them. It is none of the

city's concern where the companies borrow their money. The city takes note in the contract of only the actual amount of money which the companies put in. The amount actually paid over to the city and no more is funded. The interest on it is paid out of the profits of the railroads. Also a sinking fund sufficient to pay the bonds off inside of 40 years is put aside out of such profits. The city puts in one-half of the construction money, and the companies put in the other half. But they have to pay their half over to the city, because, as I suppose you know, the city builds the railroads by contracts publicly let. The companies do not build them. And of course you know the city owns the railroads from the start. The companies put in all of the money for the equipment of these railroads. The city contributes no part of that. I have already stated to you that the interest and sinking fund on the bonds of the company are paid out of the earnings. The interest and sinking fund on the city's money are paid in the same way. Then if there be any over-plus it is divided equally between the companies and the city. That is the contract. The operating lease is for a term of 49 years. But the contract contains a provision that at any time after the expiration of ten years the city may end the lease and take over the property and operate the railroads itself, or turn them over to a new operator, as it may see fit. I thought I would write you all this, because you seem to be an intelligent man, and I hope you are desirous of knowing the facts. You ask whether the companies can go to any other bankers besides Morgan & Co. for money? Yes, they can go to any banker they see fit. Hundreds of bankers throughout this country are furnishing funds to railroads and other enterprises. An intelligent man should not be bamboozled into believing that they have to go to Morgan & Co. I have already told you that one of these companies goes to Schiff & Co. You say that the city has "only grafting, incompetent, or stupid public officials to look after the public interests." I am sorry you think so. In fact, I do not believe you think

so. You only try to make yourself think so. My associates in the city government are men of the highest honesty and intelligence. Of course I have to let you think anything you see fit of me. I might suggest that I am well known here, and have a record in the service of the public. By that I am willing to be judged, however hard you may try to feel against me. It may be you look for that millenium when officials and bankers, and all useless people, shall be done away with.

Henry J. Home, Esq.,  
New York City.

*A Dramatic Criticism*

March 5, 1913.

Dear Mr. Robinson: I am glad that the play (*Damaged Goods*) is to be given. Nevertheless I think it is over-wrought, and over-stated, and that it strikes many false notes. This is also true of the play "*Maternity*" by the same author. From my observation it is false from beginning to end. It exhibits alleged phases of human nature which must be very rare indeed. The same is true of the other play in the volume edited by Bernard Shaw. The part of the play "*Damaged Goods*" which exhibits the woman going up and down and getting in relation with men simply to communicate her disease to them through deviltry or revenge, is false. I doubt if any woman in the world ever did such a thing. The wind-up of the play also seems to me to destroy the effect of the play in general. After bringing out the great point that the disease is a lingering one the play winds up by reconciling the husband and wife on the ground that all danger is now over. That part of the play is quite an encouragement to men given to lewd women.

I am very certain that none of these plays will survive as literature. There is very little in them which is true

to nature, and much which is entirely false to nature and experience.

Frederic H. Robinson, Esq.,  
New York City.

*On Commission Government*

March 6, 1913.

Dear Sir: Your letter asks me to help you in a debate in your High School by giving you reasons for and against the proposition "that all cities having ten thousand or more population should have a commission form of government." In the first place, the phrase "commission form of government" is loose. It has no scientific or accurate meaning. What you mean is whether a city should be governed by a small council or a large one. Why, therefore, not say so in so many words? There is no city in this country being governed by a commission. When Galveston was destroyed by flood the legislature passed an act creating a commission and naming the five commissioners to govern that city. That is the only case of a city being put in charge of a commission that I know of. But the courts declared the act unconstitutional and void. Some cities are ruled by a large elected council, called the Board of Aldermen, or the Common Council. That was formerly the case with all of the cities in this country. But of late years the tendency has been to substitute a small elected council or board for the large one. Some people inaccurately call this small council or board a commission. It is not a commission.

I have no objection to give you my opinion in respect of whether the large council or the small one gets the better results in city government. I think the small one does. Large councils have proved to be failures in this country. Their membership is poor, whereas in the small council you can get a good membership. And the small council is also more workable. It is not subject to so many delays as the large council.

Here in this city we have a large council of 73 called the Board of Aldermen, and a small council of 8 called the Board of Estimate and Apportionment. This small council does substantially all the important council business of the city. The large council has been shorn of nearly all of its powers. They have been transferred to the small council. In a few years our large council will probably be done away with altogether. It is very hard to get anything out of it. There are some exceedingly good men in it, and others who are not so good, to say the least I ought to say.

Lest you be too certain of small councils, let me remind you that the great Tweed frauds were committed in this city by a small board or council. And if you look about the country now I should not be surprised if you found dishonest and incompetent government here and there under small councils. No frame of government, however good, will secure good government. That depends upon the men put into office. Devise as you will, contrive as you will in forming instruments of government and laws, in the last analysis you have to trust somebody. Government depends more on men than on laws. Good men will give good government even with bad laws. As William Penn says in his preface to the frame of government which he gave to the colony of Pennsylvania, namely:

“When all is said, there is hardly one frame of government in the world so ill designed by its first founders, that, in good hands, would not do well enough; and story tells us, the best, in ill ones, can do nothing that is great or good; witness the *Jewish* and *Roman* states. Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn.”

I hope my letter will help you in your debate, but you forgot to tell me which side you are on.

Hubert Smith, Esq.,  
Bartlesville High School,  
Dewey, Okla.

*A Rebuke*

March 25, 1913.

Sir: Your letter of March 24th is at hand. I have no notion that it is written to me in good faith. In fact every one will perceive that it is a dishonest letter, and not written in good faith. Your statement that I have in any way opposed or embarrassed the District Attorney in the indictment and prosecution of offenders in the Police Department is known to you to be a falsehood, and knowing it to be a falsehood you are quite capable of uttering it. I have unceasingly done all I could, in so far as I could spare the time, to further and assist the discovery of graft in the Police Department, and the prosecution of offenders therefor. This I have done ever since I came into the Mayor's office, and before, as you are very well aware. Hereafter when you wish to utter conscious falsehoods concerning me to the public, do not take the dishonest method of writing a letter to me, when the letter is not meant in good faith at all.

Rev. C. H. Parkhurst,  
Manhattan.

*The Recall*

March 26, 1913.

Dear Mr. Mayer: You say that you are one of five judges of a recent debate on the subject of the recall, and that the judges being unable to agree they ask me to decide the question. Our terms of office throughout this

country are so short that we can recall bad officials soon enough at the end of their terms by leaving them at home. We do not need to go to the turmoil and trouble of a recall by popular vote during the term. If officials commit any wrong in office we have ways of removing them already. And then, again, threat of the recall could be used to intimidate officials and make them do what they would not do if left to exercise their sound judgment. Public officials are too much influenced by clamor now. If the recall existed, many more of them would be giving away to clamor than now. And I suppose you know from history that clamor has seldom if ever been right. Clamor is no better now than it was when it sent Jesus to the Cross. It is the duty of all public officials to stand up against clamor. The worst kind of clamor is that incited by a rich demagogue. May I say to you that within two years certain demagogues were demanding the recall of the Mayor of this city because he favored the subway system which has since been agreed upon and adopted with general approval. How many people would now vote to recall him on that score? But at that time probably a great many would have voted to recall him. And so I decide against the recall.

Leo K. Mayer, Esq.,  
Brooklyn, N. Y.

*Recall of Judicial Decisions*

March 28, 1913.

Dear Mr. Hubbard: I have your letter of March 24th, asking me to assist you in a debate which is to take place between Georgetown College and the Kentucky State University, on the proposition that when an act of the legislature is declared void by the highest court, 20 per cent. of the voters may require the court's decision to be submitted to a vote of the people, so that they may overrule the decision if they see fit, by their votes. This



is what has come to be popularly called of late the recall of judicial decisions. I am not able to favor such a method. I do not think it should be adopted. We already have a method of nullifying or recalling such decisions. We have practiced it all over this country since the beginning of our government. When the courts declare an act of the legislature void for being unconstitutional, the method is to submit a constitutional amendment to a vote of the people to change the law so as to make the law as the people want it, instead of leaving it as the court decided it. This is and has always been a common thing among us. In this state we pass such constitutional amendments freely. Only a few years ago we passed five. There is one up to be voted on this year, namely, with regard to the Employers' Liability statute which our highest court declared unconstitutional and void. No doubt the people will overrule that decision, or recall it, if you prefer that word. In a similar way, when the courts make a decision which does not involve any constitutional point, but only some ordinary legal question, if the people are not satisfied with the decision, the legislature may change the law to conform to the enlightened will of the community. And the people are free to choose legislators to suit them. I think these ways of overruling or recalling decisions, *i. e.*, by changing the law as declared by such decisions, to conform to the enlightened judgment of the community, are much better than to submit each obnoxious decision to a vote of the people for approval or reversal. Indeed, I doubt if that method would be practical. In most cases something more would need to be done by way of legislation than the mere upsetting of the decision. If it be thought that it is now too difficult to get constitutional amendments submitted to a vote of the people, the method ought to be made easier. In this state it is quite easily done from year to year, but in addition to that our constitution contains a requirement that it be submitted to revision every twenty years.

I am enclosing you a speech which I made at Yale

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University last year, from which you may draw some material.

Robert Hubbard, Esq.,  
Georgetown, Ky.

### *Ragbag Newspapers*

April 2, 1913.

Dear Sir: Your letter of April 1st, quoting from a certain morning newspaper what it gives as a declaration of mine, that the foreigners here "Have as much right to ask us to change our flag as we have to prevent them from drinking liquor on Sunday," and rebuking me for this utterance, is at hand. You must be a very stupid man, or else very vicious, to believe any such thing. Do you not know that that newspaper makes up such things from day to day? Does not everybody know that I never say anything to that newspaper at all? But let me ease your mind by saying to you that I never said what you attribute to me. Would it not be well for you to give up the ragbag, corrupt newspapers, and read decent newspapers? Do you not know we have several decent newspapers in this city?

E. Hamilton, Esq.,  
Brooklyn, N. Y.

### *Commending the Police*

April 8, 1913.

Dear Mr. Albertson: I am glad to receive your letter about the police. There is no better police force in the whole world. And the detective branch of it is recognized everywhere as the best in the world. The abuse heaped on the force for now over a year is wholly unmerited. There are a few grafters on the force. I have been driving them

to the wall ever since I have been here. All the revelations that have been made are by criminals whom the police put out of business. I expected more revelations than we have had. If we had left these criminals alone there would have been no revelations. Every time we threaten a person running a house of debauchery or gambling now he threatens to go and disclose to the District Attorney. We tell him to go ahead—that is what we want him to do.

Kerr F. Albertson, Esq.,  
Manhattan.

*What Would Jesus Do?*

April 14, 1913.

Dear Sir: You tell me you have been elected a Justice of the Peace at Oak Park, Illinois, and desire to administer your office the same as Jesus would do if he were there instead of you. You ask for my advice. You say you believe the present system of fines for minor offenses is wrong in principle, for the reason that it "tends to increase crime and promote disrespect to law." You also say that the law allows you to collect fees for yourself. You ask if Jesus would assess such fines and collect such fees, if he were in your place. You seem to be a man who thinks himself wiser and better than the law and above the law. That kind of a man is the most dangerous that can be put into office, especially in a free country. The law is made by the representatives whom we elect to the legislature. You are elected a Justice of the Peace to accept the laws thus made, and carry them out. If you do not wish to do that you ought to resign. You think you are wiser and better than the law, but if you make inquiry you will probably find few people who are of that opinion. "What would Jesus do?" you ask me. If he accepted the office he would also accept the law as it is and administer it faithfully. He would not take the law into

his own hands. He would not assume to do as he liked. He would say, "I do not think this law is wise, but the the legislature made it, and I have to abide by it, and, probably they are wiser about it than I am." And he would go on and administer the law as he found it. Indeed, that is the way he acted when he was on this earth. He abided by the law. He constantly quoted the law. Where he did not like the law, he advocated a change to something better. He attended the synagogue and taught the law there. It was the abuse and misuse of the law which he denounced. If you do not like the laws as they are in your locality, you ought to get yourself elected to the legislature, and then work hard to change them. But as a judge, you must abide by the law. Are you unconscious of the fact that by your oath of office you have sworn to do so? Suppose every judge in this country, from the highest to the lowest, took it into his head to ignore the law, and decide cases to suit himself. What a woeful condition that would very soon put us all in. And yet you, a little Justice of the Peace out in Oak Park, Illinois, want to act in that way. As to your fees, neither Jesus nor any one else cares whether you collect them or not.

Henry Neil, Esq.,  
Justice of the Peace,  
Oak Park, Ill.

*Segregating Virtue*

April 23, 1913.

Dear Mr. Goodman: I am glad indeed that you are engaged in the work, and I hope we will be able to do something worth the while.

The document submitted to me by Mr. Schoenfeld (Prettyfield) is one of the most extraordinary that has ever come to my attention. I think I will have to write him a letter about it. It seems to be based largely on the notion that all that is necessary to do a thing is to pass

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a law for it to be done. Will he catch all the women and put them in these places? And will he then stand guard and keep them there? Or does he think they will go there and stay there voluntarily? Ask him what he thinks of segregating virtue instead of vice. Would it not be an easier job? But we must not poke too much fun at him.

Elias B. Goodman, Esq.,  
New York City.

*Tom Paine*

May 14, 1913.

Dear Mr. Vanderweyde: Owing to other engagements I am not able to accept your invitation to speak at the Dedication of the Paine Monument in New Rochelle on Memorial Day. One of the greatest perversions in history was the dissemination of the falsehood against Paine that he was an atheist. A few people fastened that upon him. But now he is emerging from that blight. No firmer believer in Almighty God ever lived. He was an infidel, in that he did not believe all the essential tenets of the Christian religion. But that he was a disbeliever in Almighty God was a mere fabrication.

W. M. Vanderweyde, Esq.,  
New York City.

*Preface to the Police Manual of Laws and Ordinances*

May 17, 1913.

To the Police Force: In this digest of laws and ordinances you will see the word "arrest" frequently used. But you now all know that you do not arrest without a warrant for small offenses unless it is quite necessary to do so. You serve a "summons" instead as often as you can. A book of summonses will be given you with this

digest. And remember you are not obliged to arrest (or summon) for every little offense. The law says you "may" arrest without a warrant for every misdemeanor committed in your sight. It does not say you "must." You must use your good judgment. In the case of little batteries, and rows, and the like, it most often suffices to send the offenders along about their business. And in case of ordinance violation, it also often suffices for you to admonish the offender that he will be arrested or summoned, if the violation continue.

Stay on your post if possible. You should never leave your post with a prisoner unless it is necessary. Summon him or her instead if the offense be small. Sometimes the offender may be a stranger, and have no home or place of business. Then you may have to arrest. But not if the offense be trivial. Use your good discretion.

To show how intelligently you are already acting along these lines, let me tell you that by using your good judgment in the way I have mentioned, and also resorting to the summons, you have already reduced the enormous number of arrests without a warrant made in the year before I became Mayor, namely, 235,168, down to 132,923. And of the 235,168 boys, girls, men and women thus arbitrarily arrested and locked up in station houses in that year, 102,257 were promptly discharged by the magistrates as having been arrested for no cause or for too trivial cause. Did you ever think of the amount of humiliation, suffering and anguish caused by these unnecessary arrests, and the tendency they had to make criminals, especially of boys? You have done away with that barbarous condition in three years, and I thank you for it. And meanwhile, while petty politicians and corrupt newspapers have been trying to defame and degrade you, for their own ends, you have gradually worked out other great reforms.

Remember that your chief business is to keep outward order and decency, and arrest real criminals, not good citizens guilty only of some small thing.

*To an Inspired Genius*

May 22, 1913.

Dear Sir: You let me know by your letter that you have extraordinary powers and are very anxious to do something great. And you ask for my advice. Do not try too hard to do something great. I advise you to begin with little things. Do little things. If you have something to teach, teach it to two or three, or to those around you. Those who are waiting for some great occasion to do something great rarely do anything at all. Do what comes to your hand. Be simple. Perhaps your notion that you are able to do something great is a false one. Wherever you are do your simple duty first. If you do it well it will lead to larger things, and in that way you will grow, and it may be by experience become great, and then, if occasion offers you may do something great. But do not wait. I think it very improbable that you are inspired.

Arthur D. Pickens, Esq.,  
New York City.

*Books*

May 23, 1913.

Dear Mr. Allen: I am very glad to comply with your request. All the book lovers I have known have been good-hearted and true. I sign the slips to be pasted in your "Epictetus" and "Intellectual Development of Europe" as you request. I cannot say that I have derived much from "Epictetus." Nor am I learned in that book. That I am is a mere newspaper statement. When I was running for Mayor, and lying newspaper proprietors were inventing every sort of lie concerning me, I made some allusion to it one night in one of my speeches and said: "That another saith of thee concerneth more him who

saith it than it concerneth thee"—adding "as Epictetus says." That is all the justification the newspapers ever had for saying that I was a lover of Epictetus. But the "Intellectual Development of Europe" is one of the books which have had a distinct effect on me, and I am glad you rate it high also. Whatever I am it helped to form me. In my article in the "Independent" a few months ago on books and reading I gave a list of the 12 or 15 books which have impressed and benefited me most, and included therein the "Intellectual Development of Europe." Of course some of the scientific parts of that book have become obsolete, but as a whole it is still a great book and will always remain such.

Charles Dexter Allen, Esq.,  
Montclair, N. J.

### *Bill Boards*

May 23, 1913.

Dear Miss Scheff: Your letter is at hand. I am glad you are organizing a "City Beautiful Association," with the main object of doing away with the disgusting bill-boards which confront us all over the city. But you must remember that in order to carry out your purpose of censoring and regulating them we must get legislation. If the next Legislature be in the humor to give you such legislation be ready with a bill all prepared for them before they are got out of it. You know the old Spanish proverb, "When presented with a heifer be ready with the rope." I am willing to help you draw the bill. Do not indulge the hope that the proprietors of these bill-boards will voluntarily permit you to censor or regulate their use. One of the biggest and nastiest of them all is owned by a newspaper proprietor of this city who professes to teach ethics and morals to us all. He is so good that he spends much time chastising me, especially when I happen to do something good—for he has a singular



hate for good in any one except himself. No week passes that I do not receive a letter of complaint about the character of the advertisements on his great big nasty billboard. It is in a fine residential district, and disgusting to the whole neighborhood. Of course this newspaper proprietor with his usual craft has the land on which this billboard is erected in the name of a dummy owner. I will try to help you and your association as much as I can while I remain in office, and when I go out of office I suppose that even you will no longer think of me, much less ask for my help, or that I go and see you in "M'lle Modiste," or anything else. How do you like that?

Miss Fritzi Scheff,  
New York City.

*Classical Music*

May 29, 1913.

Dear Madam: I think it would be better for you to first talk with the Park Commissioner about the giving of free concerts of classical music, as my time just now is very much taken up. Also at this time the city has no money to spend for additional music. And then again I am not able to see that the city should furnish Grand Opera music. Only a few people are able to understand it. The great Rufus Choate was not able to understand it with all his refinement and fine nervous system—as fine as the finest stringed instrument. When he went to the opera he had to say to his niece: "My dear, please interpret to me the libretto, lest I dilate with the wrong emotion." It is with music as with poetry. Nearly all of us are able to enjoy simple music or a simple poem. But only a few among us are able to enjoy listening to Grand Opera music or the reading of Milton's "Paradise Lost." Music is the expression or voice of poetry—light music of light poetry, and heavy and intricate music of like poetry. When we read again Collins' delightful

"Ode to the Passions" we fully realize this. You remember how trippingly it begins—

"When Music, heavenly maid, was young,  
While yet in early Greece she sung," etc., etc.

Mrs. Henrietta Spader,  
Manhattan.

*Selfishness*

June 3, 1913.

To the Honorable the Board of Aldermen: The habit of all selfish people, and especially if they be big and fat, is to take the end place on the seats of the summer cars which run crosswise of the car, and stick there, instead of moving along to the other end as other people get on the car. This causes great inconvenience. All those who come after these selfish people have to climb over their legs, and press by them as best they can. I would suggest to you to consider whether you should not pass an ordinance making this selfish practice a misdemeanor, and requiring those who enter cars with cross seats to move as far in as there is a vacant space to sit down. The selfishness and hoggishness of some people in this matter is a distressing spectacle, to say nothing of the inconvenience which they cause, especially to mothers with little children.

*Newspaper Exaggerations*

June 3, 1913.

Dear Mr. Poole: I thank you for your thoughtful letter, and for enclosing me the editorial from the Jersey paper. The editor knows what he is talking about. There are a lot of people here who are thinking the same thing, in spite of our sensational press. This Jersey editor was not at all upset when he saw the flaring headlines in the New York newspaper, "New York's Amazing Record of Hold-ups." The amazing number disclosed was 687 in a year.

## MAYOR GAYNOR'S LETTERS AND SPEECHES

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Probably the major part of this number was fictitious. But taking it all as true, it averaged less than two a day. When that daily average is compared to over five millions of resident people here, and hundreds of thousands of transients, including crooks who come here from all over the United States, it no longer seems amazing, but small, and maybe amazing for its smallness. But that is the way our sensational newspapers in the City of New York defame the city. But the scamps have run their course. They are no longer able to say anything to hurt this city. There is no more decorous or orderly city on the face of this earth than this city of New York. And that there are a few grafting policemen no longer damns this city in the eyes of sensible people. There will always be some of that kind, in a force of ten thousand men, but the number has been growing less and less for years.

Pierce N. Poole, Esq.,  
New York City.

### *Books on Marriage and Sex*

June 4, 1913.

Dear Mr. Clews: The new book of your daughter Mrs. Parsons which you were so good as to send me has afforded me much pleasure. I sat up late two nights to read it through. I could hardly lay it down. It is interesting from the first line to the last. Its title, "The Old-Fashioned Woman," does not give much if any hint to the contents. I think the sub-title, "Primitive Fancies about the Sex," is better. It gives a pretty good clue to the contents. The relation of the sexes will never become a tame subject. This book shows the way man has looked on woman, and woman on man, from the beginning. The intimacies, the attractions and the antipathies of the sexes, one to the other, are all portrayed. I wish I had time to write a review of your daughter's former book, "The Family," and also of this her later book. I think it was

five years ago that I read "The Family." And then I reread it twice. It gives all the literature and forms of marriage from the marriage of individuals to the wholesale marriage of one tribe by another. These two books consist of the most interesting and fascinating reading matter that I know of. Please present my congratulations to Mrs. Parsons. She is a woman of talent. Her books will be widely read.

Henry Clews, Esq.,  
New York City.

*Condemnation Commissioners*

June 9, 1913.

Sir: I am enclosing to you a letter from the Dock Commissioner. By all means let us bend every effort to have a respectable commission appointed by the court to condemn the property for the new long piers at 45th Street. It would be too bad to have a commission of little people appointed who would drool over the matter for months or years, and then soak the city for two or three times the value of the property. Will we ever get rid of that sort of business? The quality of commissioners appointed to condemn land was better for a while, but of late it seems to me there has been a great falling off. Some of the Judges appoint excellent commissioners. Would that they would all do so.

Archibald R. Watson, Esq.,  
Corporation Counsel.

*Advises the Governor Against Purring People*

June 10, 1913.

Dear Governor Sulzer: I thank you for sending me your speeches and other literature with regard to the question of primaries. I could not help reading your

speeches with sympathy. Their directness and lucidity impressed me strongly. But since I have been Mayor I have kept from meddling with matters outside of the city government, and on the whole I think it better that I should continue to do that. You know the many things I have to meet here, and if I mix myself up in state politics my situation would be still harder than it is now. The partisan vileness down here is something dreadful. There are people here that purr around you and me, only to betray us at the first opportunity. I suppose you have already perceived that. They are scoundrels of the worst kind. They have not an honest hair in their heads. They are not men for you and me to associate with or have anything to do with. You have an honest purpose in view. They have not an honest thought. The better I do, or try to do, the better any head of a department here does, or tries to do, the more venomous become their attacks. They do not want anyone to do well except themselves. And they are incapable of doing anything worth the while. They have neither the length, the breadth nor the thickness to do it.

Hon. William Sulzer, Governor,  
State of New York,  
Albany, N. Y.

*The Police Force*

June 12, 1913.

Dear Mr. Cowl: I am glad you sent the message to Alderman Nicoll commending Commissioner Waldo for the way in which he has discharged his duties all through your district, namely the retail dry goods district. The whole town now perceives that Mr. Waldo is an honest man and has done no wrong thing. Most people have seen that all along, notwithstanding the investigators and the clamorers. They have stampeded nobody. I have felt

safe with Mr. Waldo because I knew that he was honest. Some come and tell me that it needs a thief to catch a thief, and they want another Byrnes, or another Devery, or some such person at the head of the police force. Out with such people. The investigators and the clamorers have not been able to put their finger on a single wrong thing that Mr. Waldo has done. And during all the noise he has stuck to his duty with the force under him like a man. He has not flinched once. Of course the scent and the cry of the whole pack has been pointed against me, and they wanted to make Waldo the victim. But they have miscarried. How pitifully little they all look to-day. All they are able to say is that a few grafters were found in the police force. And what of it? Did we not all know that there were some grafters in the force, and that there had been grafters there for more than a generation? And are there not grafters in the London police force and in every police force? Are they not from time to time found out and convicted? But who caused the recent graft disclosures except Mr. Waldo? He closed up gambling houses and worse houses under the law of nuisance, on a legal basis which we established, with the result that the debased men and women proprietors, seeing that they were put permanently out of business, came forward and made disclosures of graft for twenty years back. The Commissioner caused these disclosures by the performance of his duties, and yet an attempt was made to raise a hue and cry against him on account of them as though he had done something wrong. The first was the case of Rosenthal. He opened in succession twelve gambling houses, and each one was promptly closed up, one after another, and when the last one was in the actual possession of the police, who stayed there day and night, and he saw his occupation was gone, he revealed that a police lieutenant was his partner. The same was the case with Sipp and his beastly houses, and the equally beastly houses of the two women, Goode and Hertz. When they were put out of business they came forward with their stories of graft, running back for a generation. They had cor-

rupted policemen for that length of time. And the fellow Purcell was also called to defile this town with his ancient story. And a few days later he murdered his child and attempted to kill his wife. But there was no halt in the attempt to degrade the police force and this grand city. And these are the sources of all the revelations of graft. And now when the police continue to put such infamous places out of business, the proprietors shake their fingers and threaten to go and tell their tales, and they are told to go ahead and tell everything. Every one is now perceiving the truth. Not a wrong thing has been disclosed against Mr. Waldo. He is an earnest, hardworking man. I expect other revelations of graft and I hope they will come. We want to get at all the grafters. We have got rid of the old timers one after another. Of the nineteen inspectors that were there when I became Mayor only six remain. In one way and another we have edged them out. The young men who are coming up to take their places are the finest in the world. No body of men anywhere, military or civil, is selected so carefully and with such severe tests. They have to be of a certain height and weight and muscle, and their hearts and lungs and organs have to be perfect. And when they pass that examination, they have to undergo a mental examination which excludes everyone not of good intelligence. When I saw 5,000 of these young fellows swing by in the recent parade it made me tingle from head to foot. No such number of perfect men was ever seen in line before anywhere in this world. And all the while I kept saying to myself, "Just think of the way they have been outraged for a year by corrupt scamps and little pitiful investigators. They have been denounced in every way because there are a few grafters in the force, as though that was anything extraordinary. Every profession and business calling has as large a percentage of grafters, if not larger, than exists in the police force."

Clarkson Cowl, Esq.,  
New York City.

*On Books and Reading*

(The following is an article published in *The Independent*. It bears the form of a sort of talk with another—a method often adopted by the Mayor in dictating matter.)

And so you wish to visit me here in my library and get from me an article on libraries, and books, and reading, and learned men and bookish men, and bookshops, and so on. It is a large subject. I can only skim over it with an every day recollection. There are so many public libraries here now that people do not need to buy books. And these libraries have all kinds of books, even rare and curious ones. The number of familiar old bookshops diminished as these public libraries grew. According to Professor Mahaffy, there was a bookshop in ancient Athens. I never think of the burning of the great library of Alexandria without a pang. It is said that when consulted by his general who had captured that city in the seventh century the Arabian Caliph Omar said that if the books of the library contained only what was in the Koran they were superfluous, if anything else they were heretical, and that therefore in either case they should be burned. This story was invented long afterwards. The Arabians were a learned people. They were not burners of books. Every department of science was enriched by their learned men. Western civilization owes them much. The very numerals in which we keep our accounts we got from them. Libraries preserve errors as well as truths. I suppose there are as many errors as truths in them. The errors as well as the truths of each age are stored in books. That written down in books as the height of wisdom in one age often becomes the height of folly in the next. This is so in science, in theology, and in everything. And so books lead us into many false paths unless we are wary. I suppose we all know a few very wise people who are unable to read at all. There is a large amount of innate knowledge in all of us. It develops with the growth of our minds and bodies from birth. It is the same with all



animals. Who taught the ant to bite every grain of corn she carries into her hill lest it take root and grow? She did not read it in any book. But I fear I am wandering away from what you want. Reading, you say? Reading is to no purpose without thinking, except for pastime or amusement. Reading is thinking with the head of another person instead of your own. One who reads without thinking gradually fritters away his power of thinking. Reading may be an aid, but to possess a thought we have to work it out ourselves, and make it a part of ourselves. The self-thinker is equipped for action. He who reads without thinking is not. When called upon for action he is all the while trying to recollect the words or thoughts of others which he has read, and to shape his words or acts thereto. No one ever did a considerable work in the world who was not a self-thinker. Too much reading weakens the judgment. What we absorb by reflection becomes part and parcel of our mental processes and comes forth spontaneously for use when the mind enters the society of facts or ideas to which it belongs. Mere feats of memory are of little or no use. To be able to remember and repeat many names, or verses, or the like, may be likened to the physical feats or tricks of acrobats. They excite the same attention by their novelty, and are alike of little worth. The Roman General who is said to have been able to repeat the names of all of his soldiers seems to have had no other distinction. Absorption, not verbal memory, forms judgment. There was for a long time in this country a distrust of scholarly and bookish men in respect of business or public affairs. We have not altogether got over it yet. They were called "literary fellers." But history shows that such men have given the best government and achieved the best results when given the opportunity. We elected a learned, literary and bookish man President of the United States the other day in Woodrow Wilson. Such men acquit themselves well when called into government. But that happens only to a few. It is the same in general business

and affairs. Men who make themselves learned in a certain calling or business by means of study excel the men of long experience but without learning. Of the great rulers who were learned it is easy to cite instances. Alexander the Great was a student, philosopher and learned man. He possessed all the learning of his time. Aristotle was his tutor, and he served for a time as his amanuensis. When he went into Asia on his great military expedition he took a retinue of learned men with him. Wherever he went he sought out the learned men and philosophers and conversed with them. He called to see Diogenes in his tub at Corinth, and after conversing with him said as he turned away: "Were I not Alexander I would wish to be Diogenes." Caesar was also a man of learning, an orator, and given to philosophy. He wrote a book of apothegms which is unfortunately lost. The philosophical mind has always been prone to express itself in parable, or aphorism or fable. As an orator he was capable of holding his own against Cicero. His "Commentaries" have not been excelled as a model of pregnant narrative. At the same time he could be nimble and jocose of wit, as when being hailed as king by some of the populace he responded that his name was not King but Caesar—King being a sur-name with the Romans as with us. The emperor Marcus Aurelius left his philosophical thoughts in writing. He seems never to have had any desire or intention of publishing them. In the midst of camps and great affairs he mused over them and wrote them down on tablets as a solace to his own soul. He had a true conception of God and the universe. As I finished reading his book again not long ago I could not help writing on the flyleaf as follows: "Consider that the great universe, of which thou art only a trivial speck, is governed by fixed laws, and be therefore content in all things, and especially to die at any time, and abide God's will of thee, whether of individual future life, or dissolution into universal mind and matter." That is the sum and substance of what his mind leaves other minds preg-

nant of. Napoleon was one of the greatest readers of his time and much given to the society of learned men. He took a large body of scientific and learned men along with him in his military expedition to Egypt. When he came back he dressed in the garb of the academicians for a time and consorted with men of learning. He read in his coach, as he traveled on his campaigns, and if a book impressed him as worthless he threw it out of the window. It is said his route could be traced by the litter of books along the roadside. But I suppose this is exaggeration. Lord Rosebery in his book on Napoleon says that he had a library of 800 volumes on the field of Waterloo. Did you ever hear of a more astonishing thing? You cannot help doubting it, you say. Nor can I. But it is true that he carried many books about with him, and had special editions printed and bound for his own library. Frederick the Great was a literary man. He kept Voltaire, the greatest thinker and literary genius of that age, by him for a time to commune with him over poetry, philosophy and learning. Do you not think the minds of these two men were much alike? No? Well, it has always seemed so to me. They were each what some call queer, jealous of each other, and spat and quarreled like cats. Queen Elizabeth was learned to a singular and rare degree. To the end of her long life she had set hours for study and reflection. She was fond of men of learning and philosophy. There never seems to have been any objection to literary men in public affairs or as statesmen in Great Britain. England presents a long list of literary men who came to eminence in public affairs, as Burke, Disraeli, Gladstone, and I hope you will let me add Balfour. His book, "Foundations of Belief," has been taken too little note of. Nor should the present Churchill be omitted. Gladstone was the most bookish of English statesmen. He thrust his spoon into every dish. But he was superficial. He will not survive either as orator or writer. He was a rhetorician, but not an orator. Seldom have the rhetorician and the orator united in the same per-

son. Most of the world's orators have been only plain, some of them poor, speakers. It is hard to believe that Demosthenes being asked for the first, then the second, and then the third requisites of an orator, answered each time "action." Instead of being a requisite, action can be dispensed with. The three requisites for an orator are, first, the man (an honest man with a purpose), second, a message to deliver (something to say), and last and least, the way of saying it. Some orators have been stutterers. Lord Bacon says Moses stuttered. Rhetoricians have always been distrusted as dishonest. Orators never. The Roman Republic banished the rhetoricians several times. How would it do for us to do the like? The name of Lord Bacon cannot be omitted when learned men and philosophers who were eminent in public affairs are mentioned. His writings are one of the world's marvels. It is seldom so prodigious a mind has ever been conferred on any of the sons of men. It might not be easy to give a list of literary men among Irish statesmen. A few of them were orators. Parnell does not seem to have read anything. He was the bookless statesman. He was ignorant even of Irish history. And he was neither rhetorician nor orator. We had philosophers and literary men in public affairs in this country at the beginning, more than later on. Benjamin Franklin stands out incomparable at the head of them all. Jefferson was a great student as the writings he left after him attest. He was also a philosopher. Hamilton does not seem to have had even a touch of philosophy, but in political economy, in history, and in the art of government was the ablest man of his time in all the world. Nearly all of the men developed by the French Revolution were learned or literary men. The only exception I can think of at this moment is the brewer Santerre, whose name survives only because he had a voice which could be heard all over Saint-Antoine, and, as I think some say, half way out to Saint-Cloud. We find Robespierre at the age of nineteen corresponding with Benjamin Franklin on a scientific topic. Even Marat

was an educated and scientific man. He was an eminent and fashionable physician in Soho Square, London, for ten years. He returned to France to participate in the French revolution. Carlyle tries to damn him by calling him "horse-leech." He also pictures him as unclean, even nasty, in his person. He hints even worse than he says. You may know what I mean if you read Gibbon's Latin footnote concerning the same thing said of the Emperor Julian. But, all the same, Marat was murdered while in his bath tub in his own home—rather conclusive proof that he was of cleanly personal habit. At the head of the Champlain delegation which recently came over here from France was Hanotaux, formerly head of the French Foreign Office. He is a bookish and literary man. He is often seen in the bookshops of Paris, or groping along the long row of little book stalls on the opposite side of the Seine—more than a thousand in number. The late John Hay in this country was also the better equipped as Secretary of State by his literary accomplishments. But I must not run on this way further. You want me to say something about my own library and books and reading? I would rather pass that over. I have collected my books one by one. As I wanted a book I bought it. In that way a library grows fast enough and you have the books you want. And your library is part of you all the time. My advice is not to buy a whole library at once. Yes, I have spent some time in the old bookshops of New York. They are now, alas, nearly all passed away. I saw men in them who have since come to eminence. It would serve no purpose to enumerate the names of these old bookshops. You could get any sort of book at Leggatt's. One of the last of them was Miller's in Nassau street. How he liked to talk with you about books, and what infinite trouble he would take to get a book for you. One day I went in and asked him for "Goschen on Exchange." He scratched his head and said he did not have it, but would get it and send it to me next day. After three days I got a letter from him that there was not a

copy of it to be found in the city of New York, and that he had sent to England for it. I had recently heard the debate in the British Parliament in 1893 on the closing of the Indian mint to the coinage of silver, and the speech of Balfour on bimetalism, and had bought and read the best books on that subject. I then wanted to read the leading books on exchange, as the growing disparity between gold and silver was dislocating the international exchanges of the world. I mention this incident as it made me doubtful of following the lead of our bankers and financiers and business men here on these subjects, then much rife among us, for if they were students thereof the standard books treating of them would have been for sale here. By the way, Goschen is an example of how a man of learning on any subject may come to the front in public affairs in England. The appearance of his book on exchange caused him to be made Chancellor of the Exchequer over the heads of others, at a bound—per saltum, as the phrase is. Uncut editions are annoying to those who frequent bookshops. And the "expurgated edition"—what shall I say of that? Just think of an expurgated edition of Rabelais. I picked one up in a bookshop in London some years ago. I think it had a very short sale. What places of infinite solace the old bookshops were. You ask me to give a list of ten or fifteen of the greatest books. I would rather not try to do that. But I have no objection to giving you a list of the books which have affected or shaped me the most. They are as follows: The Bible, Euclid, Shakespeare, Hume's History of England (especially the notes), Homer's Iliad, Milton ("Paradise Lost"), Cervantes ("Don Quixote"), Rabelais, "Gil Blas," Franklin's Autobiography and Letters, Plutarch's Lives, The Autobiography of Benvenuto Cellini, Gibbon's "Decline and Fall of the Roman Empire," Adam Smith's "Wealth of Nations," and Bacon's Works. I should add the leading books which deal with what I may call the philosophy of history, such as Draper's "Intellectual Development of Europe," Lecky's "History of European

Morals," Buckle's "History of Civilization" and the late Emil Reich's "Success Among Nations." The "Imitation of Christ," filled with religious philosophy line after line, should not be omitted. More copies of it have been read in the Christian world than of any other book save the Bible. It has soothed the hearts of more than forty generations of Christians. The author of it is not known, with certainty. Protestants and Catholics claim it and read it alike. The Bible is incomparably the greatest book of all. The philosophy, the poetry, the imagery, the elevation of thought, of the Old Testament have never been approached. No one has since come into the world capable of writing the Twenty-third Psalm, for instance. By the way, Shakespeare was born on the day Cervantes died, wasn't he? Some of the commentators on Shakespeare say that the word "hand-saw" in Hamlet is a copyist's error for "hernsaw," some sort of a bird. It occurs in the passage "I know a hawk from a handsaw." But here is the same thing in "Don Quixote," namely, "There is some difference between a hawk and a handsaw." The most jaunty and nimble piece of narrative in our language, if not in any other, is Lord Bacon's "New Atlantis." Just read it and see. To bring your style down from stilts, and make it easy and plain, read Newman's "Apologia." We must not fail to mention Burton's "Anatomy of Melancholy," which is the greatest collection of curious learning to be found in any book, ancient or modern. It is a marvel of learning and research. The Baconians claim that Bacon wrote it as well as the Shakespeare plays. They say they trace his cypher through it. I hope you will not think I am loquacious if I tell you how I once convinced three of my four associates when I was a Justice of the Appellate Division of the Supreme Court by citing Burton's "Anatomy of Melancholy" as an authority. It was a divorce case against a man. The proof showed that he met the woman at the railroad station, that they came together in a hack with their baggage to the hotel, that the man registered them

as man and wife, and that they went to the bedroom assigned to them. One of the judges wrote an opinion that this evidence was not sufficient. I wrote an opinion that the legal inference of misconduct could and should be drawn from it, that they did not go there to say their prayers, and cited that passage of the "Anatomy of Melancholy" which says of a man under such conditions, "It is presumed he saith not a paternoster." The case is known as the "Paternoster case." Now we cannot keep on this way, and maybe we might as well stop here. We have looked all along the shelves, and you see that some of my books are below the mark. If they had been in Don Quixote's library when his books were put on trial by the curate and the barber, after he got home from his first sally and was put to bed by his housekeeper and nurse, I am quite certain they would have been burned up in the same heap with the foolish books they condemned and committed to the flames. The comparatively few books which were printed in the first century or less after the art of printing was discovered are called the "Incunabula." The images of the minds of writers are preserved forever in their books, while images of the body are lost after a few ages. I am all the time wondering if in the excavations of houses at Pompeii and other places they will not finally discover the lost books of Livy. Yes, artistically bound books are great sources of pleasure. I have not talked with anyone on that subject since the death of the late William Matthews. He had a choice collection of exquisitely bound books. As good an authority as I know on that subject, and particularly on inlaid books, is Mr. Daniel Treadwell, who still survives among us at a fine old age. How do I read? If the book be worth while, always pencil in hand. Many of my books are spoiled in that way. Just look at them. Yes, I often copy into notebooks the passages I mark. See this passage marked in the Odyssey—how Ulysses in his wanderings sighed to see again "the smoke rising from the hearths of his native land." And this noted on the margin, that "When he es-



caped from the den of Cyclops he did not go back for his cap and belt." He was out of danger and knew enough to stay there, unlike some other people. There are a large number of proverbs and wise maxims in "Don Quixote"—more than in any other book I can now think of save the Bible. See this curious one I have marked: "Between the yea and the nay of a woman I would not undertake to thrust the point of a needle." And here is this marked: "The mountains breed learned men, and philosophers are to be found in the huts of shepherds." But we cannot go into this. I have several times thought of publishing a full collection of them.

### *The Parks*

June 12, 1913.

Dear Mr. Davis: I read your booklet on the parks through last night, and derived much profit and satisfaction from it. It is the best statement on the subject that exists, I think. I notice that it was written in 1897, which accounts for the parks of three boroughs being left out. I only wish you had the time to write a similar paper with regard to the parks in those three boroughs.

There is no city in the world, I think, which has so many natural parks and breathing places. I have sometimes thought we could get along without our large parks, on account of the natural places for recreation and breathing which we have. The Hudson River, the Bay, Coney Island, Rockaway, Long Island Sound, and the shores of these waters, not to mention others, are all natural parks. I suppose one hundred people go to these places to one that goes into our large parks.

I have sometimes thought that the Bronx Parks were too large. It is a long walk to get into them. Would it not be better to have smaller parks?

I think that Prospect Park is the most beautiful park in the whole city. When I consider that park, and the continuation of it by the splendid driveway to the ocean,

I think there is nothing to equal it in the world. I have seen nothing to equal it. And then its approach by the great Eastern Parkway is also grand. And at its principal entrance is one of the noblest arches in the world.

Gherardi Davis, Esq.,  
New York.

*Tolstoy and Henry George*

June 12, 1913.

Dear Mr. Bernstein: I thank you very much for the copy of your book, "With Master Minds." It was intensely interesting to me, and I could not lay it down until I had finished it. You portray Metchnikoff with much more simplicity and homeliness of character than I had any idea he possessed. I had formed an entirely different opinion of his personality from his brilliant scientific writings. Count Witte has always been a fascinating subject to me. Your article still leaves that impression on my mind undiminished. He was a very brilliant man. The way he handled himself as the Peace Representative of Russia at Portsmouth has rarely been equalled in diplomacy. From what you disclose, he was evidently backed up by his government. Notwithstanding the pressure brought to bear from this country, as disclosed by the despatches which you print, the government of the Czar never flinched, but stood on the proposition that if Japan wanted to make peace without asking for an indemnity, peace would be made, and that otherwise the war might go right on. It seems that Witte was not bluffing at all, but meant just what he said. I suppose I ought not to say it, but I was never satisfied with Tolstoy, and after reading your chapter on him I am still in the same frame of mind. He was never able to see that Shakespeare was above the ordinary, or worth while. Just think of that. Is it not proof that his own mind was not of full stature? I have never been able to see that he

had any settled philosophy. It always seemed to me that he was a man of generalities, and, as you know, error lurks in generalities. He had no fixed principles. Nor had he any coherent philosophy. Nor did he have even an ordinary understanding of economical matters. He stated to you, as he often stated to others, that the Henry George theory of taxation put into practice would give the Russian peasant farmers free use of the soil. I have never been able to see how he spelled that out. I do not think he understood the Henry George theory. Henry George never saw any such thing in his theory. Put in practice it might help the Russian small farmer, the same as all tenants, a little. The Henry George theory is to value the bare land, *i. e.*, the land without the buildings and improvements, separately, and put a tax thereon equal to the ground rent, and thereby absorb the entire ground rent into the public treasury, instead of having such ground rent kept by the proprietor or landlord, as now. That would limit him to collecting and retaining for himself only the rent for the buildings and improvements. Of course he would have to collect all the rent, but the ground rent he would have to pay over to the government as taxes. Under this system the tenant would have to pay the very same amount of rent, namely, rent for both land and improvements. That the landlord would have to pay the ground rent over to the government would not help the tenant, except in so far as it might benefit the whole community. And this method of taxation would help the whole community, except the landlords, by reducing or doing away with taxes on property other than the bare land. Henry George contended that these ground rents taken as taxes would prove to be sufficient to pay all the expenses of government, so that all other taxes could be done away with. Whether this would prove true or not, it is true that the amount of these ground rents would lessen other taxes to that extent, and in that way the tenants would be benefited to some extent, namely, like the rest of the community. I do not

see how tenants would be benefited any further than that. Tolstoy in his enthusiasm very often, or most of the time, had, it seems to me, a very wrong notion of things. He does not seem to have studied or understood anything deeply, unless the human heart, and I think he was very often in a state of exaggeration in that respect. His estimate of men and of literature was very much at fault. Just think of him rating Tucker, of Boston, the head of the anarchists in this country, as a great writer. I do not see any signs of greatness in anything that Tucker wrote. Think of Tucker compared with Shakespeare!

But my intention was to express my thanks to you for your book, and not to go into a discussion of it or of the men you portray.

Herman Bernstein, Esq.,  
New York City.

*Literature of Weights and Measures*

June 17, 1913.

Dear Dr. Kunz: Mr. Spencer has shown me your letter of June 12th commending the adoption of the New International Metric Carat of 200 milligrams by the Bureau of Weights and Measures of this city for the measure of weight of precious gems. It does me good to have you take notice of that official act. The great work of securing uniform and honest weights and measures for this city, which was begun very soon after I came into the office of Mayor, and has been continued ever since, is now almost complete. You would know that without my saying so, since we have got as far as establishing a standard method of weighing precious gems. The work has been an intensely interesting one to me. Some years ago I read the exquisite report of John Quincy Adams to the Senate of the United States on weights and measures. The subject fascinated me, and I read other literature on the same subject. So that when I became Mayor I was

prepared to take up the matter and do away with the frightful dishonesty in weights and measures which prevailed all over this city. And you know how the Bureau of Weights and Measures was then officered and manned, and what they were doing there, or not doing, rather. From the earliest times one of the first acts of government has been to establish honest and just standards of weights and measures. You find much on the subject in ancient literature. It recurs again and again in the Old Testament. "A false balance is an abomination to the Lord; but a just weight is His delight," as we read in Proverbs (11—1). It has a literature all its own. The work of the Department of Weights and Measures here during the last three-and-a-half years is now being copied not only all over this State but all over this country.

Dr. George F. Kunz,  
Manhattan.

### *Arresting Children*

June 17, 1913.

Dear Mr. Collins: I am most glad to receive your letter. It encourages me to continue my efforts to teach the police not to arrest children unnecessarily, and bring them into court, or any one else, for that matter. But especially children should not be brought into court under arrest unless it be absolutely necessary. Nothing has such a tendency to make a boy a criminal as to arrest him and bring him into court, and of all things to lock him up. When he has had that experience once or twice or three times, he is quite certain to become a criminal. I have pretty well done away with all that sort of thing in the city of New York. I have been teaching the police not to make such arrests, and not to make any arrests unless necessary, during all this clamor against them which has been going on. I enclose to you the preface which I recently wrote to the new digest of laws and ordinances

which was prepared for the police. These reforms can be worked out only by constant attention. You cannot do them all at once. I have tried to do them little by little, teaching the 10,000 men on the force with a spoon, as it were. They had been so long taught to arrest everybody, including children, whom they saw committing trifles, that the abuse could not be abated except by patience and time. I would that there were more people in this city who understood this thing as you do. But I think all of our people are now coming to see what we have been doing in the Police Department. By doing away with these petty and unnecessary arrests, I have diminished the number of arrests in this city over 100,000 a year. A man of your experience can tell how much suffering, how much anguish, how much provocation to a criminal life was prevented thereby.

John C. Collins, Esq.,  
New Haven, Conn.

*Lincoln*

June 17, 1913.

Dear Mr. Cain: Your interesting letter of June 16th is at hand. But you must not compare me to Lincoln. That is too much. I do not deserve it. It is true that during the latter half of his first term, and especially at the end thereof, all the dogs, as you put it, were barking and snapping at him. But let us not call them dogs. They were human beings, with all the meanness, all the vanities, that belong to human nature. We are all just as God made us, only some of us a great deal worse, as the old proverb says. I believe every newspaper in the City of New York denounced Lincoln as inefficient, and even incompetent, and declared that he should not be renominated, and could not be re-elected. He was blamed for every fraudulent army contract, for every grafter, for every blunder of his Generals in the field, for everything

that happened. His biographers unite in telling us the keenness of his suffering. The leaders of his party wanted to get rid of him. Each of them thought he was a greater man than "old Abe," and they did not hesitate to tell their friends so. They even said he was an old fool and a buffoon. But he had more philosophy in his little finger than all of them had in all of their bodies and brains put together. And the people knew it. And they renominated him and overwhelmingly elected him. After he was renominated those who ridiculed and decried him further nagged, fretted and humiliated him by forming a national committee to ask him to withdraw so as to save the wreck which would follow his defeat. This is all matter of history. But it is not my case as you want me to think. I am not to be compared to Lincoln, simply because I am howled at and abused by newspaper proprietors—by the two miserable little Pulitzers of the World, for instance. Of course all the little Pulitzers of that day howled at and ridiculed Lincoln, and did all they could to thwart him. But the "big" newspaper proprietors and editors did the same. All I can claim for myself is that I am just a plodder, and have plodded along as well as I could. I know that I have not been able to do much, but at the same time I know that I have done the best I could. I have had a pretty tough time of it, but I have borne it the best I could. Except for the feelings of my family I would be willing to bear anything. The very worst would not cost me a moment's sleep or pain.

Jewett P. Cain, Esq.,  
New York City.

### *Segregation of Vice*

June 19, 1913.

Dear Sir: Your letter of June 18th is at hand. You ask me about several questions dealing with the social evil. You will find that in previous letters of mine which have

been published I have answered all your questions. I have often said the method of breaking into houses without warrants enabled the police to collect graft. I have been saying it for ten years. Do you not know that perfectly well? You ask me whether it would not be better to segregate the evil. How would you do it? It is very easy to mark off a district by law or ordinance. But how would you get the women to go there and stay there? Will you undertake the job to catch them and bring them into that district? And after you get them there, who will keep them there? And if you could get and keep them there do you suppose that the men would go there when everybody would be pointing at them and laughing at them for going into that district? You ask me whether it would not be better to license such women? No, sir, I do not believe in licensing vice. And you ask whether the women should not be inspected. How could you find them to inspect them? If there were a law for such inspections how many out of the whole number would come forward for inspection? And if they did not come forward how do you think they could be found? But I cannot cover the whole matter with you. I say this much only to ask you to think a little about the thing. It is easy to pass laws and ordinances, and to talk and say this ought to be so and that ought to be so, but the doing of it is another thing. No law should be passed which is not enforceable.

B. S. Barrett, Esq.,  
Brooklyn.

*Clamor and the Administration of Justice*

June 26, 1913.

Dear Mr. Stearns: I thank you very much for your letter. The district attorneys and certain judges over here in the county of New York have for years been responding to newspaper clamor and framing up indictments against innocent persons, as in the case of Hyde, which you mention. It is so atrocious that one can hardly



realize that such a thing could exist, but it does exist here. It has gone on for years in answer to periodical corrupt newspaper clamor. And those who do it do it to obtain popularity. But instead of obtaining popularity they have always ruined themselves in the estimation of all intelligent and just minds, and in the end it is always the estimation of the community at large. The people of this country will not stand for any such business. I suppose you know we have four counties here in the city of New York, each with its own district attorney, grand juries, and courts. This practice of framing up criminal cases exists only here in the county of New York. In the other three counties, namely, Kings, Queens, and Richmond, no such thing has ever happened or could happen. In those counties you could not get a grand jury together which would permit itself to be led by the nose by the district attorney or the judge to find such an indictment. Over here the district attorney and the judge tell the grand juries that they are their legal advisers and that they must do as they advise. It is a falsehood. There is no such law. On the contrary, while the grand jury has to listen to their advice, it is then the duty and prerogative of the grand jurors to do as their judgment dictates. They cannot be required or forced by any advice to find an indictment. That in the end is for them to say in their sound judgment and discretion. The grand jury which indicted Hyde was worked on for two months before it could be induced by a bare majority of one to indict him. The indictment stated no criminal offense, there was no evidence of any criminal offense, and there was no criminal offense. So that when it got to the appeal judges they did not merely reverse the conviction, but they said that there was no offense at all in the whole matter, and pitched the whole thing out of the courts. Indeed, they said that what Hyde did it was his duty to do. Just think of a district attorney and a judge who would under such circumstances cater to newspaper clamor and dictation even to the conviction of a man innocent of any criminal offense what-

ever. To do justice to all of our other judges hereabouts every one of them said that there was no offense. But those engaged in the business thought they would make themselves popular by conforming to the clamor of certain corrupt newspaper proprietors who are supposed to have much power here but in fact have none. Such a condition is dangerous to the liberties of every one. All that Chamberlain Hyde did was to ask several banks who had deposits of city money to make loans to the Carnegie Trust Company in order to tide that company over difficulties, at the same time promising meanwhile to leave such city deposits with them. The city had eight hundred thousand dollars deposited in the Carnegie Trust Company, and it was the duty of the Chamberlain to do what he could to sustain that bank in order to save the city's money. The Secretary of the United States Treasury does this every time there is trouble in Wall Street. He deposits money with certain banks with the understanding that at his request they must sustain other banks by loans. Hyde did not ask any bank to make a loan without security. On the contrary, all the loans were made on absolute security, so that they were paid at once as they became due. Just think of a man being convicted under such circumstances as that. He had the right to draw the city's deposits out of any banks as he saw fit, and deposit the same with the Carnegie Trust Company, on good security, of course. Instead he asked certain banks to make the loans, promising that he would leave the city deposits with them meanwhile. But the falsehood was given out from day to day as a grand jury secret that money was paid to Chamberlain Hyde. There was not a scintilla of evidence of any such thing. At the trial, to make some pretense in this respect, it was shown that four months after the alleged offense was committed, namely, the request that the loan should be made by the Northern Bank, a note of another person endorsed by Mr. Hyde was discounted in the Carnegie Trust Company, and promptly paid when it became due. No one can think of such things

without perceiving the degradation which the administration of the criminal law in this county of New York has come to. I am speaking plainly about the matter, because I hope all intelligent people like you will see to it that no such infamous thing happens again. The courts ought to be sanctuaries of refuge against clamor, instead of places where clamor is used to inflame and corrupt the administration of justice.

Theron C. Stearns, Esq.,  
Jersey City, N. J.

*Literature of Weights and Measures*

July 2, 1913.

Dear Mr. Strong: I appreciate your letter of June 25th with regard to the work of the Bureau of Weights and Measures. Some years ago I read the report of John Quincy Adams to the United States Senate about weights and measures. It is a classic. It covers the whole literature of the subject, and I know of no more enticing literature. It runs through all history, ancient and modern. Much of it is in the Old Testament. For instance, "A false balance is an abomination to the Lord; but a just weight is his delight," as we read in Proverbs. One of the first duties of government from the beginning of organized society has been to provide for a uniform standard of weights and measures, and to enforce the use of the same. When I came in as Mayor I found the city filled with false weights and measures. The law cannot be said to have been enforced at all. I immediately took the matter up, and the young man at the head of that bureau has now brought the work almost to completion, as you might yourself conclude since he has got so far along as even to establish a standard carat for the weight of precious stones.

It is very gratifying to him and to me to have notice taken of his work by intelligent men, such as you have in the City Club. The great millions of the city know of the

work, because they know that they have been protected from dishonest weights and measures.

C. H. Strong, Esq., President,  
The City Club,  
Manhattan.

*Animals*

July 3, 1913.

Dear Professor Osborn: Yes, I shall be glad to appoint one of your Trustees to the Board of Education. I should have done it before if I had been reminded of it. I had not heard any proposition to drop the nature study from the curriculum of the public schools. Of course that matter is wholly with the school authorities, but I shall speak of it to some of them the first opportunity I get.

I am much struck with one remark you make, that hundreds of thousands of our children never see a living wild animal or bird. But I have several times gone much further than that. There are a very large number of people in this great city, larger than most people have any idea of, who have never seen a calf or a pig. We provide wild animals for them to look at, but not domestic animals. If I had my way we would have domestic animals for the people here to see. I am certain that a sow with a litter of pigs would be more intensely interesting to most people than any wild animal. And cow and calf, mare and colt, and so on, would also be most interesting. Is there any natural sight so interesting as a litter of pigs nursing?

Prof. Henry Fairfield Osborn,  
New York City.

*A Safe and Sane Fourth*

July 8, 1913.

Dear Mrs. Rice: I thank you for your letter, and especially for your article on "The Child and the Fourth."

It shows the many ways in which our boys and girls can celebrate Independence Day with pleasure and profit. On last Friday (Independence Day) I went from my house through the Borough of Brooklyn and through the Borough of Queens to the City line. What I saw gave me the greatest of pleasure. I did not hear the sound of an explosive anywhere. But every few blocks my motor car was stopped at the crossing and I got out and saw a local procession go by. These processions were made up mostly of school children, but there were in them also a good many grown-up people. What delighted me was that they had their own local bands of music. The number of these bands seems to be growing all over the city. Boys come together, each one furnishing a musical instrument, and practise music, and make up regular musical bands. This always has been so all through the country districts, not only in the villages but in the farm districts, and even up into the edge of the Adirondacks. It has always seemed to me that we should encourage the forming of such bands here. Some people want the city to hire bands and put them everywhere to play music. I think it is much better to encourage the forming of these volunteer bands. They are an education to those who belong to them and a delight to the whole neighborhood. It is not every one who can understand classical music. Very few understand it. But of course the city should furnish public music also in the parks and at the principal centers. Yes, it makes every one rejoice that the crippling, blinding and killing of children and grown people by explosives on Independence Day is a thing of the past.

Mrs. Isaac L. Rice,  
Manhattan.

*Degradation of Newspaper Writers*

July 11, 1913.

Dear ————: Your letter of July 10th is at hand. I have often thought over the matter which you

mention. The present position of newspaper writers, and especially of those who write the news, is degrading to the last degree. They are mere slaves. Worse than that, they are dishonorable slaves. The corrupt newspaper proprietor browbeats them, and kicks them about as he sees fit. He does not leave them free to write the honest truth, but dictates to them that they must lie, garble, forge, steal, or do anything to write down the official or person who is the subject of the animosity or cupidity of such proprietors. And if they refuse to do it they are kicked out. How long will the newspaper writers continue to allow themselves to be degraded in that way? I am of course acquainted with the young men who serve as reporters here at the City Hall. They are, as a rule, fine young fellows. But some of them have to come around to my office shamefacedly to get the news only to forge and pervert it in the way which I have said. I pity them. They do not want to do it. They have to do it or get out. It seems to me the newspaper writers ought to protect themselves at least to the extent that typesetters, pressmen, and other mechanics protect themselves. At all events they ought to band together and protect themselves against the degradation of being made to write falsehood and abuse.

### *On Christmas*

Christmas is the happiest day in the year. It is the birthday of Jesus, the greatest figure that ever came upon this earth. The farther we recede from him the more colossal he grows. He was the greatest teacher that ever came on this earth, and yet he never wrote a line. What he taught was propagated by word of mouth until the Gospels were written in a much later time. No one can read the account of the birth of Jesus in Luke's Gospel without being thrilled. The picture of the child in the manger with the cattle looking on never leaves the mind from childhood up.

We children in the country saw the cow and the ox and the manger, and Jesus and all. Maybe city children do not see it so vividly. We lived with the cattle, and loved them. That Jesus was born among them made us feel that he was really one of us. Yes, Christmas seems the same to me now as when I was a child. We used to hang up our stockings. We could scarcely go to sleep. But we did manage to get to sleep the same as children do now. And like them we were up before daylight to see what Santa Claus had brought. What he brought us was very little in value, but very great in our imaginations. We believed in his sleigh, in his reindeers, in his coming down the chimney, and the whole business. We did not entertain the least doubt of it. I have great difficulty to doubt it now, but I have some difficulty in making my children believe it after a few years. They have Santa Claus now coming in an automobile, and with false keys to open the front doors, and a whole lot of things that I do not like at all. But the world is advancing. I do not remember ever having seen the little chap, but I am certain that he used to come around in the country when I was a boy. I think I have seen his foot-steps in the snow, and also the tracks of his reindeers and sleigh. I am glad the Brooklyn *Times* is issuing a Christmas supplement. I wish I had time to add to its literature. I wish every one who reads the supplement would then read the account of the birth of Jesus in the Gospels. And then let them read say the 23rd Psalm, and the Twelfth Chapter of Ecclesiastes. They will feel happy.

### *Veto of a Separate Vice Department*

I feel constrained not to accept this bill on behalf of the city. I shall state the reasons in numerical order.

1. The design of the committee of eminent citizens who examined into the matter was to take away from the Police Department the administration of the liquor tax law, the laws against gambling, and the laws concerning

female prostitution, and place the same in a separate department. It has been the case here, and in the cities through this country, that the keepers of liquor places, of gambling places and houses of prostitution, pay politicians, and to some extent police officials, to secure a lenient administration of the law in their case. The exposure of this condition from time to time has had a bad effect on the police force here as a whole, although its membership is now of a very high order and there is no better police force in the world. That even a few members of the police force extort graft, or are tempted to take it, creates a distrust of the whole force by those who are affected by clamor instead of thinking for themselves. It was therefore thought best by the said committee to take the administration of the law respecting these things away from the police force, and leave it, untempted and undisturbed, to perform that which has always been its chief duty, namely, to preserve outward order and decency, and prevent, detect and arrest for the ordinary crimes. But this bill does not carry out this plan. It leaves the enforcement of the liquor tax law with the police force, instead of bringing it into the proposed new department, although the major part of the corruption money paid to police officials and politicians in the past has come from that source. It was stated on the hearing before me that the enforcement of this law was left with the police for the reason that I have established and carried out a plan which has done away with such corruption under it. While that is true, such corruption may very easily be revived hereafter. We have also during the last few years done away with most of the corruption from the other two sources. That might be alleged as a reason also for not turning the administration of the laws in respect of them over to a separate department. If this thing is to be done at all it should be completely done. That is what the report of the committee of citizens called for. This bill is not in accordance with what the committee asked of the Legislature.



2. This bill provides for a Department of Public Welfare, to consist of a board of seven commissioners, removable by the Mayor only for cause after a trial. This is contrary to the present scheme or constitution of government of this city. The board of seven members would probably result in discord and inefficiency. Our present system of single heads of departments to be appointed and removed by the Mayor at pleasure, was brought in for grave cause. I know of no reason to abandon it. It has worked well and has never been abused. The idea seems to be to divide the responsibility for the enforcement of these laws. That is a weakness to be deprecated. It is much better to center the responsibility, and experience has proved that the place to center it is in the Mayor. The people of this great city ought to be able to elect a Mayor in whom they would have full confidence and who would neither shrink from nor shirk any responsibility. I think the Mayor of this city can always rest assured that his fellow citizens will treat him with justice, however malevolent the attacks of petty politicians or corrupt people or however loud, senseless or corrupt clamor against him may be.

3. There are two very dangerous sections in our city charter. The possibilities of oppression, extortion and blackmail under them by those who enforce the laws are without limit. The sections I refer to are 315 and 318. The former makes it the duty of the police, and empowers them, at all times of the day and night, to visit certain places mentioned, including "all houses of ill fame or prostitution, and houses where common prostitutes resort," and "all gambling houses," and "restrain all unlawful and disorderly conduct or practices therein." Under this section the police had long claimed the right of visitation to these places, and to enter them by force without warrant. Indeed, literally read, the section empowers the police to preserve order in such places. That would practically amount to licensing them and putting them in charge of the police to keep order in them. The other section, namely, 318, empowers the police to enter

any house in the city under a mere "report" to them of two householders that they believe such house to be a house of ill fame or a gambling house. No oath is required. This is contrary to the provision which is found in the bill of rights or constitution of every state in this union, and of the United States, that entrance into houses and searches and seizures therein cannot be made except on a warrant issued by a magistrate on the oath of witnesses before him showing probable cause. This section of the charter wholly disregards this great constitutional safeguard, which is common to every civilized government in the world. For that reason it is void. No better device for the practice of official extortion and blackmail could be devised than that afforded by these two sections. They have been dead letters since I have been Mayor. I have forbidden any house to be entered or any search or arrest to be made under them. It is always easy to get a warrant from a magistrate to enter a house when necessary. If no evidence can be found to lay before a magistrate on oath, that in itself shows that the house should not be entered. In years gone by the police have made use of these two sections of the charter to assert the right of forcible entry and visitation and inspection of houses at will. In that way they were able to collect any amount of money they saw fit, and in fact high officials of the police department one after another, and year after year, retired millionaires. This is all a matter of history. In 1905 my predecessor appointed a commission to consider police matters. These two dangerous sections of the charter were pointed out to that commission, together with the extortion which had long been practised under them. The result was that the said commission recommended their repeal to the Legislature. But they were not repealed. And now, when I had supposed it was well known that these two sections of the charter had been made dead letters, and were no longer in use, the Legislature solemnly re-enacts them both in the bill now before me. Under no circumstances could I be induced to sign

this bill with these two sections in it. We have far more to fear in this country from the gradual encroachment of arbitrary power than from all the vices of liquor drinking, prostitution and gambling combined, if not from all the vices combined. It must never be forgotten that the exercise of arbitrary power brings in its wake sooner or later all of the vices, and especially the detestable vices of official oppression, extortion and blackmail.

4. And finally, there is no exigency calling for this bill. As a rule all unwise legislation is passed in time of senseless clamor. Never in thirty years has there been so little corruption in the police force as now. And yet some, who listen only to public clamor, instead of thinking for themselves, would have it that corruption is so rife in the police force that we need to humiliate that force by taking away from them certain of their powers. Of the 10,000 men on our police force there are not 50, probably not 25 corrupt ones. During the last year disclosures of the taking of graft by a few members of the police force during the last several years were made. They were made in every case by some one whose corrupt house, whether gambling house or worse, had been seized and put out of business by order of the police commissioner. Some lose sight of the fact that the disclosures were in this way forced by a strict administration of the law by the police commissioner. Men and women who had kept these infamous houses for a generation, and during that time had tempted and corrupted the police, were arrested by the police and their houses were closed as public nuisances. The law makes every gambling house or house of ill fame a public nuisance, and the police, or the citizens generally, have a right to abate it. I caused that law to be revived, and it is under it that the police take possession of such houses. From time to time as they have arrested the keepers of such houses, and taken possession of the houses as public nuisances, such keepers have threatened to disclose that they had been paying protection money to the police or politicians, and in four or five instances such disclosures

were actually made. In place of the police force being blamed, it should be commended for having caused such disclosures by the enforcement of the law. One would think from the clamor that has been raised against the police commissioner that the police have done nothing in this matter, but that it was all done by some other persons. Rosenthal opened, one after another, twelve gambling houses within a year. Each one in turn was seized by the police. After the twelfth one had been seized, about one year ago, and the police were in possession of it, he concluded that he could no longer conduct his business in the city of New York, and then made disclosures that he had corrupted a police lieutenant, Becker by name. The same thing happened with Sipp, whose dirty houses were seized. He made disclosures of graft. The same thing happened with the women Goode and Hertz. The same thing happened with a saloon keeper, and these are all the sources of graft disclosures which we have had. And the disclosures have been principally of things that happened many years ago. In place of there being any dereliction on the part of the police during the last three years, it was the full performance of duty by them which brought about these disclosures. In fact, the two commissioners whom I appointed worked from the beginning to spot the dishonest officers on the force and get rid of them. In that way we actually got rid of twelve inspectors and captains, and the recent conviction of four captains raises the number to sixteen. The people of this city are beginning to perceive the truth of this matter. In place of their police force having failed, its efficiency was never at as high a point as it is today, or as it has been during the last three years. Nor do the police take the law into their own hands. They proceed against all evil houses as public nuisances. The character of a house is proved by those who frequent it. A house to which gamblers or prostitutes resort is a public nuisance. The police observe these houses, and then get warrants against them as public nuisances, and proceed against the pro-

prietors, and take possession of the houses, and abate the nuisances. This has now been going on for three years, during which scores of such houses have been permanently put out of business. It was bound to bring out disclosures of corruption. I have been surprised that it has not brought out more. When corrupt disclosures are thus brought out, the accused officers are indicted and prosecuted.



## A FEW SPEECHES OF MAYOR GAYNOR

*We give here a few of the many speeches of Mayor Gaynor. They have been picked out at random from the typewritten copies of his speeches. All of his many speeches, excepting two, since he has been Mayor have been delivered without notes, extemporaneously, and most of them almost on the spur of the moment, and taken by stenographers. Sometimes his speeches are decidedly free and colloquial, and sometimes are quite formal and precise, to suit the occasion. Good humor always, and sometimes wit, runs through them. He has made more speeches than any former Mayor of New York, and it may be more than all the former Mayors of New York put together. Many of his speeches have been delivered at banquets. All of his speeches would fill several volumes. They cover a great variety of topics, and show that he has studied and thought over many things.*





# Mayor Gaynor's Letters and Speeches

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## PART II—SPEECHES

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### Personal Reminiscences

(Remarks at the Sons of Oneida Dinner, Hotel Astor, January 28, 1913.)

Gentlemen of the Sons of Oneida: I am very happy indeed to greet you all. It is very seldom I get a chance to be toastmaster, but I am President of your society. I generally have the other end of it. So I will try to be as good a toastmaster as I know how. From what I have seen of toastmasters since I have been Mayor I do not remember a single one to pattern after. As a rule you cannot get a word in edgewise with them. They say everything. No matter what your subject is, and no matter how well you have prepared it, they manage in some way to say it before you get a chance to say it. I am not going to do that to-night. I am going to stick to my own business if I can. I have a hard time to do that as Mayor, and some think I do not do it. And a few think I do. Of course I think the few are right. There are not so many of us sons of Oneida County, but still we are of good quality. What we lack in numbers we make up in quality. I do not know when I have seen so many men together for whom I have so great an affection. There are men here who remind me of my boyhood days.

Every one of you has some particular idea with regard to old Oneida County, and what a grand old place it was. I remember every foot of it. Even the streams and creeks

in which I fished, in the spring. I could enumerate them all. The Unadilla. Did you ever hear a prettier name than the Unadilla? And the Saquoit, and the Oriskany; and the raging Mohawk, of course I cannot leave that out. They are making the barge canal of it now, but it is there yet. And all the places that I can enumerate and the familiar names, even Verona Springs. There is some one here from Verona Springs. Who is it? (A voice—"Mr. Cady.") That is his name. My father went out to Verona Springs once and brought home a barrel of sulphur water. It was to cure us of all the diseases that we had, and to prevent us from ever having any other. (A voice—"The judge left the water out in the field and got well.") You are quite right, Cady, my father put it out in the barn near the pig pen. (A voice—"What effect did it have on the pigs?") Well, it smelled so bad that even the pigs could not stand it. So he took the barrel of sulphur water and he put it out in the middle of the Dexter lot, a ten-acre lot on the farm, as far away from the house as we could get, and we could not stand it even that far away, Cady, and I think we finally went and knocked the end of the barrel in and got rid of it. They were trying to make a watering place of Verona, and that was the result. Forgive me, Cady, I may be doing you and Verona great harm. (Mr. Cady—"I forgive you.") All right. Yes, all sorts of memories. I see Marsh over there. Many a time I went through Whitesboro and looked at the sign of the clockmaker Marsh. I guess he was Marsh's grandfather by the looks of Marsh over there now. I have known him ever since he has been down here. He may be older than he looks, but at all events his father, or grandfather, kept the clock store there. But we cannot go into all these things. All of you have memories, local ones, as dear as mine. Of course my closest memory is to the old farm house. I was calling off names to you a moment ago, but the name of the place where I saw daylight and spent my boyhood on the farm was "Skeeterboro," dearest of all. The origin of the name is too obvious to need me to pause

to explain it to you. Skeeterboro forever with me. The next closest memory to me of course is the schoolhouse up at Skeeterboro. Now, do not imagine that Skeeterboro was a village or that the houses were close together. We lived close enough together for peace sake so far as I remember, but I do not think any of us were within half a mile of each other. There were the Christies, and the Marrs, and the Sutliffes and the Paynes, and the Parkhursts, and so on. Probably it is due to the Parkhurst family, if there be any of them here, that I say they were in no way related to Rabbi Parkhurst of New York. He is a friend of mine. But those were all capital people. And the schoolhouse, you all have a memory of some little schoolhouse up there, except those of you who were born in that great metropolis called Utica. My schoolhouse on the outside today is just the same as it was when I went there. It has never been painted to this day. The one that my mother went to just over the river in the town of Marcy where she was born and reared was painted red, and every time I saw it I was struck with awe. But the one I went to has not had a touch of paint to this day. They have, however, put the city desks in. In those days the desks slanted down from the four walls inward, and then the benches were along in front of the desks, and we studied our lessons sitting on the benches with our face to the wall, and then when we were going to recite we threw our heels over the bench and faced about to the teacher, and at the same time faced the big stove in the center of the room that burned the cordwood. And many a day in the winter have I tramped to that schoolhouse. And sometimes to get home they had to turn out and dig out the snow. And how often we had our ears frozen on the way to school or while out playing, or our faces frozen even, and when our ears thawed out sometimes they hung over so that they came down flat almost. I have one thick ear. I suppose you can see it. But I got that in a Long Island snowstorm three years ago. I got it bad that night. It reminded me of Skeeterboro and going

to school. And then right within three-quarters of a mile of our farm, and the same distance from the little schoolhouse is the site of the battle of Oriskany. There is a fine monument there now showing where that decisive battle was fought. The result of putting that monument up is that every person living in that whole country up there round about knows all about the battle of Oriskany. But I may as well tell you and get rid of it, that never in the schoolhouse or out of the schoolhouse did I ever in my boyhood hear of the battle of Oriskany. After I came down here the Oneida County Historical Society put up this grand monument, and afterwards when I went up there I was surprised to learn that it was so close to the house in which I was born and the schoolhouse to which I went to school. And yet it was one of the decisive occasions of the Revolutionary War. No one can stand at the base of that monument now without realizing the magnitude of the Revolutionary War. One column was coming down from Canada, a British column I mean, through the Mohawk Valley, and another was coming way around by the Lakes from Canada, and they were going to meet on the Hudson at Albany and take possession of the Hudson River and thereby cut the New England colonies off from the other colonies, a thing which would have been fatal to the Revolutionary cause. Herkimer and his neighbors checked the column which was coming down through the Mohawk Valley, and Burgoyne (that strange character who wrote the opera, "The Barber of Seville," isn't it?—a strange character)—met his fate at Saratoga, surrendered at Saratoga, and that was the end of that gigantic scheme of the British. Think of the distances they traveled in those days. But I will not go into that subject. I mention the matter more to show the value of monuments as teachers of history. New England got ahead of the whole country by early erecting monuments. The monument at Bennington, the monument at Bunker Hill, and others. The story of the New England battlefields was told by monuments from the start. But more important battles occurred elsewhere, whose story re-

mained untold chiefly because no monuments were erected to them. Monuments have always been the greatest teachers of history. When you see a monument you ask what it means and you learn all about it. So that from the beginning of the world the monuments have been the great teachers, and now the monument at Oriskany, the monument at Saratoga, the little monument to Baron Steuben, have taught that whole part of the state the great event of the war which occurred in those localities. Those were great days. I would like to just say a few more things but I won't. I was up there a few years ago, five years ago, I think, the last, and I went through the neighborhood where I was born. Every family was gone that was there when I was there except one. Half of the boys in the school that I went to were Welsh. My chum in the school was Bill Griffiths. He is alive up there yet, and he is the only one that I know of. He runs a threshing machine. There is one other Griffith that I have a notion to name—she is dead and gone—and that was Jane Griffith, his sister. It didn't happen, but it might have happened. And I came from the neighborhood and walked down and through Cider Street. Some of you know where Cider Street is. It is a country road down to Oriskany. My home was three miles west of Oriskany and about five miles from Rome. And I walked down to the little village cemetery, just before you get into Oriskany, about sunset, and I went over the stile, and went through the tombs, the modest tombstones, and there I saw all these names. Most of them were sleeping there. I would not like to say that I knelt down, but I certainly was greatly affected. All of you have experienced the same thing. There they were sleeping. Those that were not sleeping had moved off to the west and other places. And I will tell you before I introduce the speakers what happened at the last visit as I was on the way up to Skeeterboro. I was going along the road and I just came to the first lot of my father's old farm called the Dexter lot, and I met a man on the road. I could not be mistaken. I went to

school with him; but he does not live in Skeeterboro now; he lives a little way off, near by towards Hampton, and I knew it was Tom Phillips as soon as I saw him. There may be some here that remember the Phillips family. And I bade him good day, and he bid me good day, and spit more or less tobacco juice on the road, and we sat on the fence and talked, and he told me finally he was in much trouble. He didn't know who I was—I was then a Justice of the Supreme Court; and he said he was in much trouble and I says, what is it? Well, he says, not long ago I went down to Oriskany one Saturday night and I got rather high. We never said drunk up there. We always said we got high. That is an Oneida County expression and it is used elsewhere. And he said a chap down there, I got into a fight with him, and he gave me a good licking. Oh, he says, he beat me bad. Well, I says, what of that? Yes, he says, but he came up here about a month afterwards and I met him on the road and I went for him and I gave him a good licking. So I says, what of that? That is an every day occurrence up here, or used to be. Well, he says, he wasn't satisfied, but he went up to Rome to the District Attorney and got me indicted. He says, I have thirteen children and, I think he said, ten cows. And he says I see no way except to sell a couple of cows and hire a lawyer to defend me, and that goes pretty hard with me. I talked it over with him and we finally parted. He did not know who I was, but when I got home to Brooklyn I sat down and wrote a letter to the District Attorney at Rome and told him poor Tom's case and the trouble he was in, and it is needless to say that Tom did not have to sell his two cows to hire a lawyer. He was fortunate enough to meet a lawyer on the road. I wrote the District Attorney and told him about some of the ancient customs up in that county. I told him the whole story as Tom gave it to me, but I wrote also in the letter that when I was a boy up there such things as that never happened; that if a fellow got licked he never went up to Rome to indict anybody for we had

an ancient custom among us that before we entered into a fight we always said, "say no law and I will lick you." Then if the other fellow said "no law" that meant that the law was off, and however the battle went there was to be no law suit and no indictment. I said to him in my letter that I did not know whether poor Tom observed this ancient custom or not, but however it may be I hoped he would be as lenient with him as possible. But that was the custom when I lived up there. When we wanted to battle we said to the other fellow, "say no law and I will lick you," and if he was brave enough he said, "no law," and then we had it out, and settled it right there, and there was no law afterwards. I would like to have that custom down here. If we had it there are two or three fellows down here that own nasty newspapers, and I would like to have it out with them on that basis. I don't want to boast because I am growing old, but I really think I could do them up. They may think they can do me up with their dirty pens, but I think I could do them up the other way. I think I have sand enough left in me for that, and it would not require much either, to tell the truth. Now there is old Skeeterboro for you. There are other things I could talk about but some of them would be melancholy, and some of them would be a twice told tale. I would like to be there again. I would like to go out and gather the beechnuts in the fall and do many things that we used to do in those days. Now you see I am forgetting that I am only the toastmaster. I might as well say when I got through with Skeeterboro I came down to Utica, and I stayed there and studied and kept as still as I could for about a year and a half or two years. I thought Utica was a wonderful place. And finally I got ready to leave Utica also. So I went down to the trunk store and bought me a good big trunk. And I had my name painted on one end of it. I never expected to come back to Utica either. I had my name painted on the end of it, and big letters under it, "Utica, N. Y." I thought that would give me recognition wherever I went. But I

only got a very little ways off from Utica before nobody knew who I was, and I didn't get much further away before nobody knew or cared anything about Utica. So I shook the dust of Utica off my feet. But we have with us here to-night one who is a great figure in Utica. He was there when I was there. We all looked up to him. If there was anything requiring public spirit in the place we turned to him as the Mussulman turns towards Mecca when he wants to say his prayers, or thinks he does, which is the same thing. And that was my old friend T. R. Proctor, of Utica. We will have a few words from Mr. Proctor.

### **Abuse of Officials**

(Speech at the Dinner of the Citizens' Association, Bay Ridge,  
April 17, 1913.)

Mr. Chairman and Fellow Citizens: I thank the chairman for his kind introduction. He said that he hesitated about saying much that was good of me, because he knew I would not like to listen to it. It may be that is so, or maybe I would like to listen to it; but the fact is I very seldom get the chance to listen to anything good of me. I have grown so used to being spoken ill of that it does not sound right when anybody says anything good of me. I feel as though there was something the matter. I think it is Macaulay who says, speaking of the habits of the ancient Germans in the time of Caesar, when they were excessive drinkers. He says that they drank so hard and were so continuously drunk that if they happened to get sober they thought they were sick. And so it is with myself. I have been abused so much that when anybody like your Chairman here says something good of me I think there must be something the matter with me. I feel sick. I think the Comptroller here at my right feels a little bit that way too, because for the last year or so he has not been dealt with any too gently either by some of these abusers of me, particularly about the subways. But it is all over, and I hope well over. I come here really because



your Chairman asked me to come, and I knew of no way to say no. We see him over in the Board of Estimate pretty often. We almost wind the clock over there by him, his comings in and goings away are so regular; but he always has something to say that is helpful. He doesn't come over to abuse us or annoy us. We sit there sometimes and hear ourselves compared to Tweed and ancient malefactors who left a bad memory after them. For instance, the day that we passed the subway business, finally, we all sat up there in a row, and we kept as still and as square faced as we could while five people spoke. I think they were sent up by the Hearst newspaper office. The Comptroller is helping me out. But I was going to say just what he suggested to me. He is not able to remember, and neither am I that any one of them was quite sane. Those are the kind of people that Hearst generally sends up to talk to us. Now and then the two little Pulitzers help add to the number, and send up two or three puny little fellows like themselves to tell us what to do. But on this particular occasion they called us Tweed and all the malefactors that have preceded us for 50 years, and we let them all talk. And one of them went back to the rear of the hall, and when everybody had said all he wanted to say, he said, well, I have this to say anyhow, that this is the first time in my life that I was allowed to express my opinion fully. But others come over there to help us, and others do help us. I suppose you all help us. Do you? I am looking around to see if I can see somebody to blame, but I don't see anyone it so happens. That is what we need in office. We need a good word, now and then, even though we do not deserve it. It makes us feel better. And disposes us to do better. You want to treat your public officials with common decency. We do not ask to be coddled. We do not invite everybody to agree with us in our opinion. On the contrary we give public hearings when the law does not require it, so as to give the citizens an opportunity to express their honest opinions; and as I whisper to my as-

sociates next to me now and then when a bumptious fellow gets up to talk to us "Now, this fellow will let a great flood of light in on us, or possibly we can let a little ray of light in on him." That is the way we consider it. But the citizens can be very helpful to our officials by exercising patience and intelligence. Mere abuse is no good. We have received infinite help in the large things which we have done since we came into office from the different associations throughout the city like yours. You have sent delegations. Sometimes you have differed from us. Sometimes you agree with us. But in either case you helped us, because your difference was honest, and your help was honest. But when things degenerate into mere abuse and into party animosity—I won't say party animosity, but little partisan animosity—then you can get very little good out of government. When you put people into office that settles it. From that hour on you want to help them. It is not a party matter at all. It is a matter of good government. And now if you will allow me to leave myself out of the case just for one moment I beg to say that looking all over this country at the cities and the States, and looking over Europe so far as I am familiar with Europe, from the Comptroller and the Borough Presidents, to the heads of departments of the city, there is not a more competent body of men anywhere to be found so far as I know. Mr. Pounds told me this evening, and it is all right, Pounds, for me to mention it, that he was at some dinner lately and the man next to him asked him if he was a college graduate, and he said yes, and the man laughed, and he said, well I didn't think there was a college graduate in the whole city government. Just think of a miserable little coot like that. Why, he wasn't decent enough to know who the members of the city government were. That was what was the matter with him, and there are too many like him, when the truth is, if you take the elected officers of this city, which are three in number, and then the Borough Presidents, and then the heads of departments of the city, seven-tenths of them

are college graduates and men of the highest standing. Most of them were men of large business themselves, competent men, scholars, and gentlemen. Why, it does me good when I look at them. I wish we had the whole outfit in this room to-night. They are a good looking lot of fellows too. Present company excepted. Mr. Cleary says he saw me down at Richmond at the waterways convention. I was there. I was at Washington at another convention similar to that, and in other parts of the country at similar conventions. I was not thinking about what he has been talking about, that some people there knew me by repute to some extent; but what did me good at all of these places that I have attended was to see some of our city officials here get up and make speeches on subjects that were enlightening to these conventions. That is what did me good—to let those people get the sight of an official of the city of New York. Why, some of our newspapers here would lead the rest of the country to think that those in office here are a lot of thugs. They are pictured as thugs in the papers, some of them even with balls and chains on their legs; and we must not blame the rest of the country if they think there is some truth in that, although I hope we have said enough in the last year or two to make the whole country sit up and take notice that we have some newspapers here that are utterly unworthy of belief in any respect whatever. They are that because their proprietors are that. When you get a low bred newspaper you have got a low bred proprietor behind it. Blood will tell in everything. But I will not go on at length. I arose only to say a few words. You have a long toast list. I came here more to thank the people of this locality for the assistance they have rendered us with regard to the docks, with regard to the subways, and with regard to other things that we are doing. There is no use bringing up things that are past. We have had a hard struggle with some things, but we have worked them out the best we knew how. This must be said, however, in any government, however intelligent or however good it is—and

I allude to government of course among a free people—however good and intelligent it may be, most of what is done that is timely and good originates not in the government itself but from the outside. Government after all only registers the will of the people within the law. I have no patience at all—I may as well say it plainly—with those elected to office who come in saying that they are going to do whatever the people want. That is no way to enter into office. The way to enter into office is with the intention of doing what the law requires, and then within the law, the people can express what they want, and help to carry it out. All the public works of the city, subway, docks, or what not, are things with which the intelligent people are familiar. It is for them to originate things, and then come forward to the government and suggest them and carry them out, and in that respect we have received as much assistance as we have any reason to expect. You live over here in a growing neighborhood. Some people are always saying that they wish the city to grow rapidly, and all the vacant spaces to be filled in. I know all those who own vacant real estate are very much of that point of view. They want a subway in every street. But that really is not the view to take of it. The city ought to grow normally. We have no reason for rushing it, or hurrying it. Our duty is simply to keep up with the growth of the community, and to do the things required for the comfort of the community. Lincoln often said that all he professed to do was to keep up with the people. He did not rate himself a political leader. He said, “I manage to keep up with the procession.” That was his homely way of saying it. That meant that he had absolute reliance in the judgment and intelligence of the people; and when he said people he did not mean every fellow with no visible means of support and with a patch on his trousers. That is not what he meant. But he meant the intelligent people, the good people, the just people, who constitute the spine of society and keep society in order. We realize all that in what we have been

doing amidst the abuse. We realize the inestimable benefit which societies like this here to-night are to the city when they are directed right, when they are patient, and when they come forward not to scold but to help. The scolding element in the community is not a very large one, but the few scolders there are among us make more noise than all the rest of us. Dr. Parkhurst and this clergyman over here in Brooklyn who says that Brooklyn is the vestibule of hell, make more noises than all the other clergymen in the city, don't they? And yet the others are all working and helping and doing the best they can for society and abusing nobody. If they see something wrong they come forward and talk to us, and help and call attention to it. But noise, no. "Still waters run deep." Or, as the saying is, "the shallows murmur when the deeps are dumb," and to use one more expression, one strident grasshopper in the angle of a fence makes more noise than the noble herd nearby. Pious Dr. Parkhurst. Bilious Dr. Parkhurst. He thinks he is pious when he is only bilious. Self sufficient, all sufficient, insufficient Dr. Parkhurst. Forgive me, but he is a man of vast and varied *misinformation*, of brilliant mental *incapacity* and of prodigious moral requirements. These people make much noise but do no good. Their hearts are filled with evil. They love nobody. They do not want to help the Comptroller. They do not want to help the Mayor. They do not want to help anybody. They want to find fault for their own exploitation and sensation. Now these people we forgive of course, twice a day. We forgive them but we desire to have nothing to do with them. But people like you who help us and take us by the hand and show that whatever your hope is, or whatever your prejudices are, you still have an honest heart. People like that we welcome every hour in the day. The latch string of the City Hall and the Comptroller's office and in all of the offices hangs out for people like you all the time.

**The "Single Tax"**

(Speech at the Lower Rents Exhibit, 29 Union Square, February 17, 1913.)

Mr. Chairman and Gentlemen: I came up at the request of Mr. Ingersoll, just to say a few words. I have known him for many years, and he has long worked in and taught these matters. Rent is caused by population. Where there is no population there is no rent; and where the population becomes congested rent becomes high. The congestion of population produces more evils than high rent. It produces all sorts of physical and moral evils, as you see in this city here. Why should these congestions of population exist? I may ask. There is plenty of room in the world. All the people on this globe if collected here could stand up in the city of New York and each one would have two feet square to stand on, if I remember right. So you see the people of the world in proportion to land space are not so many after all. And they could all be put in the State of Texas and have about two or three acres apiece, I don't remember exactly. And yet these congestions of population occur here and there all over the world, and create many social and physical disorders, as well as this high rent which you proclaim against. Your object is to reduce rents. How do you go about reducing rents? Why, there is only one way to reduce rents—or two ways, rather. One is to disperse the population; the other way is to increase the number of houses all the time, and make supply match or exceed demand. Rent depends on supply and demand of houses. Some people think that rents rise as taxes rise. Some people think that all a landlord has to do is to add his taxes to his rents. But these things are not so. Taxes may be going up while rents are going down. I saw the time in Brooklyn when we were paying a rate of \$3 in the 100 for taxes, and yet rents did not go up while the taxes were going up. They went down, and were far lower than over here where the tax rate was much lower.

You cannot increase rents by high taxes, except in an indirect way. If taxes are so onerous on the buildings that people stop erecting buildings, why then you have a scarcity of houses and buildings; and in that indirect way there may be an increase in rents brought about under the rule of supply and demand. Now, these are first principles that I am talking to you about. And yet here I am in the presence of the philosophers on this subject. I suppose you will listen to me with impatience expecting me to launch out into something new on the subject. There is nothing new. You single taxers have developed the whole case, so far as I know. I have heard you here and there. If you have not made as much progress as you think you should have made I think I can state one reason for it. In your speeches and writings in years past you have been a little too cock-sure. Some of you have been acrimonious. Some of you say you think other people are very dense and ignorant because they do not think as you do. In other words, you try to ram your theories down the throats of people before they are ready to receive them, the same as they feed Strasburg geese to make their livers swell. No one ever succeeded that way. Franklin treats on that in his Autobiography. He says the way to convince a man is to express a little doubt about it yourself. Just shake your head, and wag it a few times to this side and then to that, and may be shrug one shoulder and then the other, and say, "Well, it seems so to me, but I am not clear and may be wrong about it." And then the other fellow will take it all in, and turn around and try to convince you. That is the way to convince people. I am sure some of your orators do not adopt that method, because I have listened to them now and then. This single tax question has been now widely discussed all over the world. The phrase "single tax" I never thought any too happy. The object is to concentrate all taxation on the land. Now, to uninitiated people who are listening to me that means on the land and buildings and improvements. But it doesn't mean any such

thing. Your theory is that the taxes should be put on the bare land alone, and that the buildings and houses and improvements should all go free of taxation. That in a word is the so-called George theory. I may express it otherwise by saying that your theory of taxation is to absorb all ground rents into the public treasury by way of taxation; that is to say, the rental value of the bare ground, without anything on it. Never mind the buildings, you say, but tax the land up to its rental value, and get the whole ground rent into the public treasury as a tax. Here is a bare lot. Well, it has a rental value, or it has none. If it is worth anything it has a rental value of, say, 4 per cent., or 5 per cent., of such value. If the lot is worth say, \$1,000, then presumably it has a rental value of 4 per cent. of \$1,000, or 5 per cent., and that should all be levied as a tax according to your theory. And then here is another lot with a building on it, a lot worth \$5,000, say, and the building worth \$10,000. Well if the place is taxed \$500 under the present system of taxation, that means that two-thirds of it is on the building and the other third on the land. Your theory would distinguish between the building and the land and find out the value of the land, the lot, and tax that according to its ground rent, and no more, so as to draw the whole ground rent into the treasury, and let the building go free. Now, that is the theory. But every man out of one hundred that you speak to on this subject thinks you mean to tax the buildings and the land, which is not the theory at all. All buildings, all improvements, being done by the hand of man, let that all go free and tax only the land which God made, according to its rental value. The rental value is not created by the owner, but by the growth of population, by society at large, and therefore belongs not to any individual, but to society at large. That is your theory. And you say that that would produce revenue enough to pay all the expenses of government. I do not know whether that is true or not. I have never run it out carefully enough to know. I did once run it out in the city of Brooklyn when



the taxes were high there, and as near as I could make out the taxes being paid there were equivalent to the ground rent of the whole city. I thought so, yet I may have been mistaken. I mean that if the total tax were taken it was equivalent to all the ground rent in the city at that time. Now, the taking of the ground rent by taxation may be a perfect system of taxation, as philosophers and economists admit the world over. But there is a difficulty about it. You know things in this world are not always ideal. And it is pretty hard to get them ideal. I know they are not ideal with me. I have a pretty tough time of it. You have to deal with all sorts of minds and conditions, and they do not produce the ideal. They produce a sort of average, and that average is very often a pretty poor one. But we have this great satisfaction, that it is getting better in the world all the time. The average of things grows steadily better year by year all over the world, I think, and particularly here. The difficulty that I perceive about putting your system of taxation into operation is this, namely, that you cannot do it now without injustice. If society had started in that way, it would have been easy. But now it is difficult to change without doing injustice. We have to admit that the value of the naked land is created not by the fellow who has his foot on it and owns it, but by the increase of population and industry all around it. Why, within the last few years in this city the lands over in Queens and over in Brooklyn in the outskirts which sold from \$100 to \$500 an acre are selling for more than that per lot, 20 feet front. You have to pay more for a lot than those who bought up these lands paid by the acre when they bought them. They have not done anything to it; it is the same bare land. But you and I and the rest of us who want to buy a lot always have to pay that increased price, although we created it ourselves. We do not get it by the acre. Others buy it by the acre and sit down on it until population increases around it, and gives it an increased value, and then you and I pay these high prices for the land

and we build a house on it. So that if the theory of absorbing all the ground rent is put into force at once, why, John the butcher and William the baker, and those who bought these lands and built on them are the ones that would suffer. Whoever has the land has to suffer. Because to absorb by taxation the whole ground rent of the land would destroy the value of the land. Now, it is very easy to say that the present method is unjust—that inasmuch as society, not the owner, creates values of the bare land, society should own these values and have the benefit of them by taking them into the treasury by taxation as I have described. Now, as a moral proposition you would have to cudgel your head a good deal to get away from that. But the trouble is to put it in force without doing injury to everybody who has bought land on the present basis. It would, in fact, be a confiscation of the land. There is no doubt about that. We may as well speak plain about it. I am speaking of the bare land, mind. So it all comes down to this, namely, in place of adopting at the beginning this system of absorbing the ground rents by taxation, society by universal consent, or by the consent of the majority, adopted a different system, and has lived by it up to the present time; and the rule is that when society does a thing, creates a condition, although that condition is not ideal, or not even right, economically, nevertheless society should not suddenly change from that condition if it thereby wrongs a great many people, or most people, or even a respectable minority of people. What society creates and suffers and builds up, society must bear. If one of you went over to Queens county and bought a lot for \$1,000, whereas the man you bought of bought the whole tract for only \$100 an acre, for us to put your system of taxation into vogue now would destroy your lot; and your \$1,000 is wiped out with one stroke; because land, you know, has no value except what value the ground rent gives it, its usable value, its rentable value. And when that is all absorbed into the treasury your land is there, to be sure, but your \$1,000 is not there.

It is wiped out. You have got your foot on the lot yet, but in place of being worth \$1,000 it is not worth \$1. So that the difficulty is to put in force this system of yours. I refrain from arguing it either pro or con. All I need say is that I have tried to keep up with it as I have with all else in the world that has been happening under my nose. I believe I have not been afraid to look into anything. I never condemn a man because he has something new in his head, or thinks he has; and sometimes they only think they have, you know. I say to him, "You are the man I have been looking for, what is it you have in your head? Let us talk. Maybe I can let a little light into your head, or you can let a great flood of light into mine." I had the first edition of Henry George's book, and I have it yet. And while I was forced to admit that the system of taxation it advocates was ideal, I could not concur in his chapter which advocated the putting of it in force at once, and thereby confiscating all the individual or private property in land which society by the present system had built up. And society has done the best it could, as all sorts of interests and all sorts of minds have settled on this method of private ownership of land, and of the buildings being considered a part of the land, and of the taxation being on the land and buildings together. Mr. Ingersoll wrote me and tells me that your object here is to further your propaganda, but only gradually, namely, to lessen year by year the valuation of the buildings on land, one twenty-fifth this year, one twenty-fifth next year, and so on. In that gradual way you see that in 25 years you would have eliminated the buildings entirely, and all the tax would fall on the land. So in place of killing at one stroke my friend over in Queens who paid \$1,000 for his lot you would kill him gradually, one twenty-fifth each year, and in 25 years they have got him all done up. They say you would not feel it, it would be done so gradually. Now I have no objection to having this matter discussed here or elsewhere, and to join in. I have concealed nothing of

my own opinions since I have been Mayor. A man told me last Thursday, he said, "Don't you go up to that place and talk on this subject. It will hurt you." I told him I was ready to be hurt, but that I did not think it would hurt me at all, that nobody ever hurt himself by having an open mind and being ready to consider and discuss things that concern human kind. I do not know whether you can bring it about. I do know that the chapter in Mr. George's book that proposed to do it right off the reel on the ground that all injustice should be remedied forthwith did not commend itself to me. While I might be willing to bear it myself I cannot help saying that many people would have a gross injustice done to them by putting into immediate operation any such system. But this method of gradually doing it is not open to the full force of that objection. If you can do it so gradually and so slyly that we neither feel it nor know it, why it may be we had better let you go ahead and do it. I don't think we will object very loud if we do not feel it or if it does not pinch us or do us any harm. Now, how could it do good, you ask me, to remove the tax on buildings and concentrate it all on the land on which the buildings stand and the bare land not yet occupied? Why, they say it would do it this way; and it brings me back to what I said at the start. If buildings were no longer taxed that would stimulate people to build buildings; but when you clap a tax on buildings then people are not in a hurry to build them. They have to calculate it all out and see where they are coming out, where they can get the rents to pay interest and taxes. But if buildings were freed from taxes there would be more buildings put up; and the more buildings put up the lower rents would be. So I am back now at the quitting point, that is to say, I am back to my starting point—that rents of buildings depend on supply and demand; therefore, any system of taxation which stimulates the building of buildings, which multiplies the number of buildings, automatically and necessarily lowers

rents; and it seems that is what you are driving at, to get lower rents. So go ahead. If you can do it I am satisfied; but whether I have helped you any by coming up here I do not know.

### International Peace

March 22, 1910.

Gentlemen of the American Peace and Arbitration League: The civilization of the West seems to be reaching that point in its slow development along the lines of the precepts of Christianity when as a matter of humanity, or, it may be, only of self-interest, or, it may be, of both, it is calling for universal international peace, and especially peace between the West and the East. We have to ask ourselves in a sober Christian spirit whether this can ever come about until the civilization of the West first recognize that the East has a civilization also. We shall never establish peace with the East by persisting in the unkindness of calling it uncivilized. No universal peace can be based on a bigoted or uncharitable conception by our civilization of theirs. That the civilization of the East is different to ours will not justify us in continuing to call the East uncivilized. It has a civilization all its own, a thousand years older than ours, and though quite different to ours, we ought in Christian charity to be able to perceive all, yea, the very much, that is good in it. The East was civilized, was learned in the sciences, schooled in philosophy and the precepts of virtue, and had the elegancies of life including a splendid architecture, when our ancestors still ran naked in the woods and lived in holes in the ground. Our own sacred literature we borrowed or took from the East. All of it, Old Testament and New, was written by Asiatics, with the possible exception of the Gospel according to John. The civilization of the East may not have progressed, and may to some extent have retrograded, in the last thousand years. That depends, however, on the point of view of what civilization is. From

being warlike, the nations of the East generally during that period of time became unwarlike and peaceful nations, in fact, non-resistant on principle, like our Quakers, while the Christian nations of the West have continued warlike and aggressive all the while, most of the time in the name of Christianity itself, even when warring with one another. The constant aggressions of the West upon the peaceful and unwarlike East, instigated by commercial enterprise, if not commercial greed, have been invariably in the name of Christianity. We have taken possession of their choicest provinces and their best ports. And now in the progress of time we call for universal peace. Whether it is within God's Providence that the long gathering resentment engendered by Europe's trespasses on the Eastern nations can be allayed without war unless amends and restitution be first made, is a matter for sober thought. Let us hope and pray that justice be done, and that lasting compromises and adjustments be made, so that there be no need to resort to war for the redress of wrongs. That the mind of the East is receding from the ethical precepts which made it non-combatant is now manifest. Japan has already completely given them up, and emerged as a mighty combatant with the nations of the West. We are now pleased to say that she has become civilized and taken her place among the civilized nations of the West; not because she has adopted the precepts of Christianity, or the fundamental precepts of our civilization, or abandoned any of her own, for she has not; but, it would seem, only because she has resorted to the use of gunpowder as strong and cannon as large as our own. The slow growth of the precepts of Him of Peace who walked and taught beneath the bended palms of Palestine 2,000 years ago, may now at last in the slow progress of time be inspiring the nations of the West to advocate and proclaim peace on earth and good will to all men and all nations. Let us hope that the spirit of war and aggression may not be aroused and grow up in the East while it is decaying and disappearing in the West. Let us do our

part to avoid it by seeing that Christian charity and justice be done to the East by the West, so that the peaceful spirit of a thousand years in the East may be retained in conjunction with the same growing spirit in the West, to the end that around the world there shall be a universal peace, founded on the universal brotherhood of all men and all nations, West and East, undisturbed by the acrimony of religious tenet or national or racial arrogance. Though Christianity has done much it has been a slow growth. It took nearly 2,000 years of Christianity to strike the shackle from the slave. When it examines its own slow history, no reason will be found to view other civilizations otherwise than in the spirit of toleration and peace. This spirit alone can bring universal peace on earth.

### **The Tariff, High Prices and Gold**

(Speech delivered February 8, 1912.)

Mr. Chairman and Gentlemen: The question before the country is not one of free trade, but of levying our tariff on imports in a way which while it raises a sufficient revenue will work the least injury and do the most good to the people of the country as a whole. That idea took root among us when we were still British colonies struggling for independence, and has grown ever since. No doubt it has branched out, now and again, into abuses and into favoritism by law to individuals or classes, which is the worst of all abuses in government. It is these abuses we want to do away with, and that is the issue.

#### **TARIFF CHANGES NEED TO BE GRADUAL AND PRUDENT**

But we may not prudently entertain the notion of doing away with our immense tariff structure at one stroke. In that way we would create disorder and panic, and do great harm to honest business and honest people. Our tariff system has been long in the building—even from colonial days, as I have said. To pull it down all at once would be a revolution, and lead to great disasters. When

society creates any system by law, and especially after it has fostered it for a long time, and every one has conformed to it, society should not do away with it except in a way so well considered and gradual as to do no unreasonable harm to individuals and to the community. Even a tethered bull who has wound around his stake while grazing until he has brought his nose up against it, has to slowly unwind again sooner than tear his nose to pieces in an effort to get away.

### HISTORY OF BUILDING UP OF OUR TARIFF SYSTEM

I say our tariff system again, for system it is. It may serve a purpose amidst so much talk to see how our tariff system, with all of its favoritisms, injustices and crudities, has gradually grown up. It is the result of repeated votes of the country on the question. There are signs of a realizing sense throughout the country that we have gone to extremes and ought to recede.

After we had achieved independence as a nation, one of our first aspirations was not to remain dependent on foreign countries for manufactured articles. The people of the colonies had been subjected to that condition—had been admonished that they should be agriculturists and depend on the mother country for manufactured goods—and were much averse to it. That was one of their grievances. Hence we find that the tariff law of 1789—the first passed after the adoption of the constitution—was drawn for protection as well as to raise revenue. The next tariff act, that of 1794, went still further in the direction of protection against foreign imports and in favor of our small struggling home industries. The tariff act of 1816 continued in the same direction. And so it went on without much if any objection until after 1830, when some States and localities began to strongly object that since they were solely agricultural they were receiving no benefit from this tariff system. The matter was brought into party contentions in that way. There followed some reduction of tariff duties. The tariff act of 1857 went in



that direction and made wool free. The commercial hard times which ensued made the tariff question still more acute. It became more than ever a party question. But the extremes to which tariff taxation was to attain later were not then thought of. I do not suppose that Hamilton, and later Clay, who favored a reasonable protection, ever foresaw the unscientific extremes it was to grow to.

### WAR TARIFFS

In 1861 the so-called Morrill Tariff Act was passed. It was based on the principle of protection. During the Civil War duties were put on and raised to get more revenue, but also with an eye to protection. The Act of 1864 went still further, and into high protection, by which I mean more than the protection of American wages. After the close of the war manufacturers had grown so used to high protective tariffs that they loudly objected to any proposal to reduce them. These tariffs did more than protect wages—they added to profits. The Act of 1883 continued in the line of high protection. In the Tilden presidential campaign the Democratic platform declared that all Custom House taxation should be for revenue only, and he won, so great was the dissatisfaction with tariffs that were deemed unconscionable. Cleveland was elected eight years later, namely, in 1884. His party won not so much on the tariff, or any other issue, it may be, as on things that entered into the personal honesty of the two candidates, for the vote was a close one. On account of certain things in the past career of Mr. Blaine, he was unacceptable to a large number in his own party. When Mr. Cleveland ran the second time the issue was distinctly on the protective tariff, but he was beaten. My own observation at the time was that many Democrats feared that Mr. Cleveland really wanted free trade, and were not ready to go so far, and that he was beaten in that way. During the ensuing Republican administration under President Harrison, the McKinley Tariff Act was passed. It went to the extreme of high protection, and

alarmed and alienated those who no more wanted the extreme of protection than the extreme of free trade. At the next election Mr. Cleveland came in as President again on the issue of tariff reduction. Then followed the Wilson Tariff Act. It was the result of compromises. It was found that Democratic Representatives and Senators from States having protected interests were not always willing to give up such protection. I need only mention the case of sugar, without raking up the scandal which grew out of the defeat by the votes of Democratic Representatives and Senators of the proposal to put it on the free list. What occurred during that Congress made men see how largely this tariff question is local and selfish. When the Republicans came in at the next election under McKinley the Dingley Tariff Act was passed. Like the McKinley Act it was based on high protection. We have since had the Payne Act, which follows the McKinley and Dingley Acts. It is not easy to say that the tariff question had any influence in the last three Presidential elections. They were complicated by other issues, that of joint metallic money being paramount and controlling in at least one of them.

#### SHOULD NOT CREATE FAVORITISM OR INJUSTICE

This review suffices to remind us that the question which confronts us is not one of free trade, but of a judicious but firm reduction of the tariff. All of its extremes should be cut out. Free trade is a long way off. We must have sufficient revenue, and, therefore, an import tariff tax. But it should be so applied as to produce no injustice or favoritism.

Let us then stand to the assertion of principle that we recognize no excuse for a protective tariff on any article except to protect the American workingman from having his wages run down to the level of wages in the country which produces that article. When a tariff tax goes beyond this, the excess should be cut off. Such excess does not benefit the workingman. It makes every one pay to

aggrandize a few. It is a scandalous thing to have a tariff tax on manufactured articles so high as to enable the manufacturer of such articles in this country to sell them abroad at a profit at a price lower than is exacted in this country.

And we must stand to this further principle, namely, that, except for revenue only, there is no excuse at all for a tariff tax on imported articles which, from peculiarities of soil or clime, or any other special and abiding cause, we cannot produce at all, or cannot produce enough of them for our consumption. If our lands are generally of so high a grade, for instance, that they are put to a more profitable use than sheep raising, and therefore we do not and in the nature of things will not produce wool enough for our own use, then there should be no tariff on wool, unless out of necessity for revenue. And so on all down the list.

#### ENLIGHTENED JUDGMENT OF COUNTRY TO DECIDE

Let the question be submitted to the enlightened judgment of the country. Mark well that public opinion on the subject has now grown to be stronger than mere party opinion. I feel that I am not mistaken in this.

President McKinley saw plainly that the gathering sentiment of the nation would not put up any longer with a protective tariff which goes beyond protection to American wages, and was preparing to yield thereto. Let me quote what he said in his speech at the Buffalo Exposition immediately before his unfortunate assassination:

“ We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consump-

tion must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell anywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor. The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times. Measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

Public opinion is now ripe for the change. Let us not disappoint it. Let us go with it. I do not say let us lead it. Enlightened public opinion in this country is such that the statesman does enough who divines it, keeps up with it and conforms to it.

### HIGH PRICES

The kindred subject which you have assigned to me in connection with the tariff is that of high prices. Now, of course, a protective tariff raises prices. That is what it is designed for. That is the reason why it is levied. But in view of the complaint about present high prices, it should in justice be pointed out that our tariff is not wholly responsible therefor. The tariff is not responsible for the extent to which prices have risen since 1896, which, I believe, was the year in which the present rise in prices set in. The rise since that year has been general in Europe as well as here. The cause, whatever it is, is world-wide. It cannot therefore be said to be the tariff in this country. Moreover, as the tariff did not produce these high prices in former years, there seems to be no reason to lay them

to the tariff now. The protective tariff is undoubtedly responsible for the raising of prices. But there are other causes. May I also suggest that it would be an interesting study to find out whether prices have risen most on protected or unprotected articles since 1896.

### THE TRUSTS AND PRICES

We must therefore look to other causes for present high prices. Some lay them to what we call the trusts—a word which I wish we could get rid of, for it is very vague, and very few seem to know just what it means. A trust means a combination into one partnership or under one management, as a business unit, of all, or of a predominant number, of the corporations engaged in any particular manufacture. The first combinations of this kind were called trusts, because they were formed under trust agreements, there then being no statute to enable them to form. The first we know of were the sugar trust and the oil trust. All of the 16 sugar refinery corporations combined under an agreement by which trustees were appointed to run them all as a business unit, instead of their being run separately and in competition as theretofore. Under the agreement the stock holders in the refinery corporations surrendered their stock to these trustees, who issued them trust certificates therefor instead. The Standard Oil trust was formed in exactly the same way. The then existing 49 separate Standard Oil corporations which were dispersed throughout the country were massed into one business unit by the very same kind of a trust agreement as that of the sugar trust. But in this State our highest court finally decided that the sugar trust was illegal and had to disband. That was in 1892, I think. It based its decision on a very simple ground. It held that corporations could not become co-partners with each other, or unite in any way together for business purposes, but that each had to do business separately. It decided that only individuals could become co-partners. We have nothing to fear from co-

partnerships of individuals, because individuals die, and co-partnerships of individuals therefore last only a short time as a rule. But corporations do not die. Their life is perpetual, as a rule. The Court pointed out that the common law of the land did not allow them to become co-partners or unite together for business purposes; that they are mere artificial creations of statute, and that as no statute allowed them to unite together, they could not do so. At about the same time the highest court in the State of Ohio made the very same decision with regard to the Standard Oil trust. Both of these trusts were in that way broken up. But straightway the State of New Jersey passed a statute enabling corporations to unite and become a business unit, just as the sugar trust and the oil trust were. The device of that statute is very simple. It allowed corporations to be created to own the stock of any number of other corporations. We have become used to calling such a corporation a holding company. It owns and holds the stock of other corporations. Both the sugar corporations and the standard oil corporations availed themselves of this statute. A sugar corporation was formed in New Jersey and the stocks of all these sugar refining companies, hitherto for a time held by trustees, as I have stated were transferred to it, in return for which it issued its stock to the stockholders, who thus surrendered their stock. In the very same way a new Standard Oil Company was formed under this statute in New Jersey, to which was turned over all the stock of the said Standard Oil companies. And in this way all of the Standard Oil companies were again massed as a business unit, and all of the sugar corporations were massed as a business unit. The courts had declared them to be illegal as a combination under the said trust agreements, as I have stated, and then the Legislature of the State of New Jersey stepped in and passed a law which enabled them to legalize and perpetuate themselves as a combination or business unit by means of a holding company. And so they continue to this day. And then followed the formation of many other trusts in

the same way. Some other States passed a law similar to that of New Jersey. But four-fifths of the trusts of this country are organized and exist under this New Jersey statute. You already perceive what I am coming at, namely, how easy it is to get rid of the trusts if we want to. It is only necessary to repeal that New Jersey statute, and the similar statutes which were passed in some of the other States. The outcry against these trusts seems to be quite as loud over in New Jersey as anywhere else in the country. That being so, why is it that that New Jersey statute has not been repealed before this? Why is it that no one in office or out of office over in New Jersey has asked the New Jersey Legislature to repeal it? No Governor has sent a message to the Legislature of any State which has this statute calling for its repeal so far as I have heard. From which some people might deduce that the cry against the trusts is wholly insincere. Since they can be abolished so easily, do you not think that they ought to be, or else that those that fail to even try to repeal them should stop crying out against them at the top of their voices? We must not lay ourselves open to the charge of being mere demagogues. If the people want the trusts broken up or prevented they need only to elect Governors and legislators who will carry out their will.

The question to what extent trusts are responsible for present high prices should be carefully considered. No party, no statesman, no sensible man, should follow mere clamor, or try to advantage by it. I have not been able to find any trustworthy literature in which the question has been carefully considered. Monopolies no doubt tend to raise prices, and the trusts, which are monopolies, no doubt, therefore, tend to raise prices. It were much better if we used this hard word monopoly instead of this soft and rather obscure word trust, and then people would understand us. It might also be well to examine whether present prices are highest on trust articles or other articles. That does not seem to have been carefully examined into, either.

## ECONOMIC LAWS GOVERN PRICES

But in a study of this subject it is necessary to note that the notion which some have that trusts can run prices up or down as they see fit, and to the extent they see fit, is fallacious. A manufacturer has to buy the raw material which he manufactures into an article which he sells. If it were possible for a manufacturer, having a monopoly, to run the price he pays for the raw material down as low as he likes, and the price at which he sells the finished product up as high as he likes, he would of course have the best of us entirely and be able to make any profit he saw fit. But he can do neither of these things. There are economic laws which prevent it; and you know that economic laws are as regular as the laws of the seasons, or the revolutions of the earth, if you let them have free play. There is an economic point below which the manufacturer, monopolist though he may be, cannot go in buying the raw material without injuring himself. The producer of the raw material has to receive enough for it to pay the cost of production and also make a profit to enable him to support himself. As soon as the selling price goes below that he ceases to grow or produce the article; he cannot or will not continue to do it at a loss or without a profit. In that way the production of that article diminishes, and to such an extent that the manufacturer has to raise his price in order to stimulate its production, so that he can get enough of it for his manufacture. You therefore see there is an economic point below which he cannot force down the price of raw material without injuring himself. And in the same way there is an economic point above which he cannot raise his sale price of the finished product without hurting himself. If he puts the price up too high the consumption of it will fall off. Some will buy one-third less, some one-half less, and some will do without it entirely. In that way the manufacturer is obliged to lower his sale price so as to sell his finished product and prevent a loss. But there is a zone between these two outlying prices, that for the raw material and that for the finished product, in



which monopolies may cause the price to fluctuate. How wide that zone is I cannot now stop to closely define. I imagine it is somewhat wider than my hand, however. But all I wanted to point out is that the trusts or monopolies are controlled by certain economic laws which prevent them from doing absolutely as they see fit with prices. These laws keep them within a restricted zone at least. But within that zone they can do much extortion.

### LARGE GOLD PRODUCTION CAUSES HIGH PRICES

Looking further for the cause of present high prices, I am not able to doubt that the principal cause is the great and ever increasing output of gold since 1883. The output in 1883 was only \$95,000,000 in round numbers. Ever since it has increased by leaps and bounds, until its production in 1909 reached the enormous sum of \$454,000,000 in round numbers. The exact statistics for the last two years are not at hand, but it is known that they will show a still growing increase. In fine, the gross output of gold since 1883 is over \$7,000,000,000 (seven billions of dollars). The world has had other periods of great production of the money metals, but never anything so great and continuous as this.

And every such period has been one of high and advancing prices and prosperity. High and advancing prices do not mean hard times, but good times, if the cause be a natural one. But, on the other hand, hard times are marked by low and falling prices. That is the history of commerce and the world. No one but a gambler can continue to do business on a falling market. If you have to sell to-morrow at a price lower than you pay to-day, it is only a question of time when you shall have to quit. History affords examples of the effect of a large production of money metal on business and prices. It has always brought high prices and prosperity. To run prices up artificially by combinations, monopolies, unscientific laws which thwart or fetter commerce, or the like, is an evil. But if they go up from natural causes they are not an evil.

They are normal and natural, and the normal and natural are good in this world. The influx of the money metals into Europe caused by their first discovery on this continent revived commerce, raised prices and produced a long period of prosperity. In the period of 20 years from 1789 to 1809 prices doubled on account of the production of the money metals, business revived and thrived, and prosperity was on every hand. The same result was produced by the great output of gold from the mines of California and Australia, beginning with 1849. There are men still living who remember it. You may ask why rising prices did not set in right after 1883, when the present period of large output of gold set in, instead of not showing themselves until about 1896, if the output of gold is their cause. The answer is, first, that rising prices do not set in at once or concurrently with the increase in gold output, but not until some years after such increase sets in, and a large stock of gold has accumulated therefrom; and, second, because silver was demonetized throughout most of the world; that is, put out of use as money during the period from 1883 to 1896, metal money being thereby largely reduced. But that reduction was finally more than made up by the production of gold and in due order prices began to rise because of the increase in money metal, although such metal had been reduced to gold only.

The value of any given product depends upon its quantity. If potatoes or corn are short or scarce, their price goes up. The same is just as true of gold. Its value, like the value of other products, depends on its quantity and the cost of its production. Hence, the greater the output of gold and the cheaper the cost of its production, the less its value grows in relation to other products. The gold in the dollar grows of less value in relation to the value of other commodities, and its exchangeable value or purchasing power therefore grows less. It buys less corn or potatoes because it is worth less. In other words you have to give more money than formerly to buy the same thing or amount thereof. It takes more gold to purchase

a given amount of wheat, or potatoes, or wool because gold by reason of its plenty or over plenty has grown less valuable. In place of saying prices are higher we could express the same idea with as much, or even more, accuracy, by saying money is lower, and that means gold money, for gold is now the sole equation of all moneys and all values.

The time may come when the present great output of gold will have reached its highest point, although some say not. They say that the sources of gold, including the waters of the ocean, are so great that it is more likely that the time will come when gold will be so plentiful and therefore so cheap that it will have to be done away with as money. But if instead the time comes when its production decreases and falls off, lower and lower, year after year, then after some years, or a few years, the contraction of gold will begin to have its natural effect, and prices will begin to fall, and continue to fall year after year. Then everybody will be complaining of low and falling prices, the same as some are now complaining of high and rising prices. Will not that period of low and falling prices be hard times? What say you? Many people still alive have gone through such a period, and know the hard times brought by low and falling prices. Let none of us therefore be so certain that high prices are an evil. Every one wants a high price for what he has to sell. But he naturally wants to pay low prices for the things he has to buy to live. He cannot make economic laws work that way. There must necessarily be a general level of prices, dependent on supply and demand of products, including gold.

### **What Would Jefferson Say**

(Speech at the Jefferson Day Banquet, April 13, 1912.)

Gentlemen of the National Democratic Club: "What would Jefferson say?" is the toast you give me. Yes,

what would Jefferson say? He was a progressive man, but prudent and careful. He picked his steps. He did nothing headlong. But he was conscious that the world moves, and he tried to move with it. He was a radical, if you will, but not the kind of radical who wants to pull everything up by the roots, or every pillar down, before he has something better to plant or put in its stead. He was neither demagogue, nor humbug, nor self-seeker. He wanted to do good to his fellow men, and knew that good in this world was growth, not stagnation. He knew that all good growth, physical, mental or moral, was gradual and often slow growth. How gradually the tree grows and matures, and the blade of wheat, and this body of ours, and how long and patiently the Almighty sat brooding over this world of ours before it was fit. And in the same way how gradually things mental and moral grow and mature. He knew that the universal law in all things was either growth or decay. He only smiled at the stupid conservatism which proclaims that everything is right just as it is, and has held up its hands and cried out in all ages, "Don't disturb the existing order of things." He knew that the existing order of things is often a bad, and sometimes the worst possible order of things. The existing order of things in this country even within the memory of many still living was that one human being might own another. He was a progressive, but felt his way, and blazed his way, all the time that we might follow.

#### OBSTRUCTIVE COURT DECISIONS

Yes, what would Jefferson say of things to-day?

There is a provision in all of our constitutions, national and state, that no one shall be deprived of life, liberty or property without due process of law, or except by the law of the land, as it is sometimes expressed. This safeguard is not new with us. We derived it from England. It is expressed in Magna Charta. Nor is it peculiar to English-speaking countries. It is common in one form or another to every civilized government. No one ever thought of

giving it anything but its plain meaning until in recent years, since 1870, in this country. Then some court attributed an indirect meaning to these words liberty and property. The phrase to deprive one of his liberty had always been understood to mean to interfere with the liberty of the person, to put one under physical restraint by some form of interference, arrest or imprisonment. And to deprive one of his property had a similar plain meaning. No one in England or in any other place except here has ever thought of their having any other meaning. But since 1870 in this country courts have been interpreting these words of the Constitution in their widest sense. And this constitutional exegesis has developed so rapidly that necessary social and economic progress is being blocked by court decisions. What would Jefferson say to it? We know what he would say. He opposed all forced constitutional interpretations by the courts while he was living, and said that if allowed to run their course the Constitution and our form of government would be sapped and mined by the courts in their natural tendency to aggrandize themselves with power over the legislative and executive branches of government.

#### TENEMENT HOUSE TOBACCO CASE

Let me give examples of the extremes to which these decisions have gone. In this State we passed a law that tobacco should not be manufactured in the living rooms of tenement houses. The enlightened sentiment of the people of the State was that this was a humane health and comfort measure. It was thought that children should not be born and brought up in the fumes and odors of tobacco. But our Court of Appeals would not have it. The statute took away from the tenant his "liberty" to work at what he liked in his tenement, and therefore violated the said constitutional provision, said the Court. In the same way the Court said it deprived him of his property, namely, his leasehold, to the extent that it deprived him of one use of it.

### UNDERGROUND BAKE OVENS CASE

Afterwards our Legislature passed a statute regulating the sanitary condition of our underground bake ovens. They are hot and unhealthy places to work in, and the bread made in them may easily be unsanitary. The work in them is principally during the night. The statute fixed ten hours in twenty-four as the maximum hours of work. The United States Supreme Court declared this unconstitutional and void for depriving journeymen bakers of the "liberty" of working all night, if they choose, in hot underground bake ovens.

### WOMEN NIGHT WORK CASE

Next our Legislature passed an act that women should not be employed in factories between 9 o'clock at night and 6 o'clock in the morning. Enlightened public sentiment was that the health of our women and of their offspring would be conserved by this law. But our Court of Appeals declared that it deprived women of their "liberty" to work all night, or as long as they liked in factories. To such a use indeed did they stretch this sacred word liberty.

### EMPLOYERS' LIABILITY CASE

Last year our Court of Appeals declared unconstitutional and void the Employers' Liability Act passed by our Legislature the year before. It deprived the employer of his property without due process of law, said the Court. Thirty-two different governments of the world, including England, have such laws, and have had them for many years. Even Russia has a model one. Prussia had one as early as 1847. Nowhere in the world except here did any one ever suggest that such a law takes the employer's property without due process of law. Nor do we see how it does. The damages for injuries and manglings and deaths of the workers from explosives, machinery, and so on, which the employer would pay would simply enter into the cost of production, the same as the cost and repair ex-

pense of machinery, and be included in the price we would pay for the finished product. How is that taking the property of the employer at all? And yet this statute which did away with the semi-barbarous rules of the common law that the worker has to take all the natural or inherent risks in his employment, including that of negligence by any fellow worker, which have been done away with even in England whence we took such rules, and provided for a just system of compensation for death and injuries from such risks, the same as is done everywhere in the civilized world except in this country, was struck down on the forced and false construction of this constitutional provision.

### SUCH DECISIONS CAUSE GROWTH OF SOCIALISM

What would Jefferson say to such a state of things? He would say, "Beware. Unless you keep pace with the social and economic progress of humanity, and do these things, they will be done over your heads." It is no wonder that we have a state of unrest, and that what is called Socialism is growing. The judges who are thus putting themselves in the way of just and humane laws, called for by the spirit of Christianity and social progress, say that it is their duty "to protect the populace from themselves." Just think of that. When and where and how did we ever confer any such mission as that upon them? Who set them up to protect us from ourselves? We elect Legislatures to carry out our will by laws.

### RECALL OR NULLIFY SUCH DECISIONS

The Legislature which has just adjourned passed a proposed constitutional amendment to nullify or recall this Employers' Liability decision, and if the incoming Legislature also passes it, it will be submitted to a vote of the people of the state a year from next fall. And some are crying out against this as revolutionary. What do they mean? Our constitutions are adopted by vote of the people, and the people have the right to amend them in the same way when they see fit. And that is what they have

been doing from the beginning. And they have frequently overruled or recalled obnoxious decisions of the courts in that way. And why should they not? In 1905 the people of this state overruled or recalled by a constitutional amendment four or five decisions of our highest court declaring unconstitutional and void the statutes requiring payment by contractors of the prevailing rate of wages on state and municipal works, and fixing the maximum hours for a day's work. The other day a lot of lawyers put forth a statement warning the community against changes of the constitution by popular vote. What do they mean?

#### FAVORITISM IN RAILROAD FREIGHT RATES

And what would Jefferson say about some other things now in the minds of many in this country?

The railroads are not private roads but public highways. That is the first law of their being. The land for them was taken under the eminent domain power of government to take property for public use. It was taken for a public use, namely for public highways. It could not be taken for private use. What would Jefferson say to favoritism in freight rates to shippers on these public highways instead of the same rate being exacted of all alike? What would he say to favorite individuals or coteries being charged freight rates so much lower than their business rivals as to enable them to drive such rivals out of business by under-selling them that much in the markets, and thereby creating monopolies in themselves? Would he not say that the general freight agent of every railroad in the country ought to be appointed by government if necessary to do away with such a crying wrong? Such agent need not fix the rates, but his duty would be to see that there was only one rate for all in like case—that every one paid the same rate.

#### THE TRUST OR HOLDING COMPANIES

And what would Jefferson say about the so-called trusts, if I may use that misnomer?



In several states, and also in the District of Columbia, there are statutes enabling corporations to be formed to own, hold and vote on the stock of other corporations without limit. This is what we call the "holding company." It is the "trust." The stock certificates of all the corporations engaged in the same kind of business, such as sugar refining, for example, can be transferred to such a holding company, and in that way all of such corporations are brought under one management and control, and made a single business unit, thereby doing away with all competition and rivalry among them, and enabling the holding company to raise prices to the consumer, more or less. What would Jefferson say to doing away with competition among corporations in the same line of business and in that way? I think he would say the holding company statutes should never have been passed, and ought to be repealed by degrees, or superseded by a national corporation law under which no such thing would be permitted. Under these holding company statutes, including the one for the District of Columbia, passed by the National Congress itself, these unions of corporations engaged in the same business may be lawfully formed. That is what these statutes were passed for. But after corporations are thus united under a holding company the United States brings suits to dissolve them for being monopolies and in restraint of trade. What would Jefferson say to such folly and such a game of cross purposes as that? What would he say to passing statutes to enable such combinations to be formed and then bring suits to break them up? Would he not say, "If such combinations are inherently injurious by destroying competition, and interrupting the freedom of trade, why do you not repeal the statutes under which they are formed?" These combinations are our own artificial creations. They could not exist except for these statutes. If we do not want them we have only to repeal the laws permitting them to be created. First, business was done by the individual. Next, in order to have larger capital and business, partnerships of individuals came into vogue.

Combination could go no further than this without the aid of some legal device. Then statutes were passed for the creation of corporations—mere artificial entities—so that there could be more capital combined to produce larger business, and also to do away with the inconvenience and breaking up of business partnerships caused by the death of one partner after another and the distribution of their estates. But these corporations which were allowed by statute could not unite together as partners or in any way for business purposes. Each had to stand alone and do business alone. Next these holding company statutes were passed—the first one not until 1885—enabling corporations to unite or be combined as a business unit under a holding company in the way I have stated. These are the different stages leading up to the gigantic unions of corporations which we now have. Should there be statutes permitting these combinations of corporations? Now that they have been permitted for a full generation the question is more difficult. But what would Jefferson say of these mighty combinations, with revenues and capital and liabilities even larger than those of the United States Government itself? Would he say that they ought to be permitted to exist and to grow? In the end every one in the country will have ceased to be an independent business entity, and will be a mere servant of one of these great concerns if they continue. Does that tend to make men better citizens, or weak and indifferent ones, by reason of a feeling of dependence and servitude? What would Jefferson say?

#### PERIODICAL CONSTITUTIONAL CONVENTIONS

What would Jefferson say to have the Constitution of the United States amended so that every 20 years there would have to be a new constitutional convention to report amendments to the Constitution to be submitted to the vote of the people? No one doubts that constitutions should not be changed in a hurry or rashly, but all the same as time goes on, and conditions change, constitutions of government need to be changed. Lincoln said that a

constitution should not outlast a generation. He did not mean that at the end of that time the whole instrument should go by the board. He meant that it would probably need to be amended by that time. Our States have very generally recognized this by putting requirements in their constitutions that constitutional conventions be held at stated intervals. It is now very cumbersome and difficult to amend the Federal Constitution. Should we not have it amended so as to call for constitutional conventions at stated periods? Would not Jefferson say yea?

**Do Our Courts Stand in the Way of Social and  
Economic Justice, and If So,  
By What Authority?**

(Address Before the Yale Forum, at Yale University, New Haven,  
Connecticut, May 7, 1912.)

President Hadley, Governor Baldwin, Ladies and Gentlemen: I had some misgivings about coming here at all and leaving the busy life which surrounds me in the city of New York, but I thought I might possibly say a few words of some interest to you older people and of some guidance to you young men, and especially to you young men who are studying law. The subject is, "Do our courts stand in the way of social and economic justice—and if so, by what authority?" I suppose we may in this country question even the authority of the courts if we see fit. We have outgrown the divinity of kings and of legislatures and executives, and I suppose we have a right to outgrow the divinity of courts too if we see fit, having at the same time due respect for them. The subject is a very broad one. Perhaps the phrase "distributive justice" might express it more fully. And when I say "distributive justice" I do not mean merely the justice administered in the courts, but distributive justice in the widest sense. You young men growing up to the bar, of all other men, should have this distributive justice in

mind. That mere rule of thumb justice which we associate with the administration of the law in the courts falls far short of expressing what I mean. The first duty of government, the prime duty of government, is distributive justice to all. That means justice in its widest sense, the social and economic sense as well as the legal sense. If government fails in that it fails at the essential point and has no excuse for existence. Prosperity does not depend wholly on the amount of the total product. It depends even more largely upon the just distribution of the total product among those who produce it. I should define prosperity to be the highest production the community is capable of consistent with the mental, moral and physical health and growth of its members, accompanied by a just distribution of the total product among those who produce it. I do not mean by that share and share alike to every one. I mean distribution according to the productive capacity of each, whether that capacity be mental or physical, or both. Distributive justice also means that those engaged in the production shall be otherwise fairly dealt with—that they be not forced to work an undue number of hours, that they have proper machinery, and of all things that they be paid for the injuries which they receive in their work without their wilful fault, especially from the dangerous machinery of our times. That enters into distributive justice. In what I have to say all these things enter. If the courts set themselves up against this distributive justice then the courts are not fulfilling their office.

I do not come here to pass any undue criticism upon the courts. I was a Judge myself you know for sixteen years and I have to be careful and not say too much. And I have Judge Baldwin here behind me too, which makes me more or less circumspect, if not nervous. Nor do I come here to advocate the recall of the judiciary. I see that frightens none of you, however. Down my way it seems to frighten some people to mention it. It doesn't frighten me a particle. I am not here to advocate it. But

strangely enough every time I say anything on the subject on which I speak to you to-night I see great headlines the next day in that sort of newspaper which we have down in New York—I don't know whether you know much about it—I see great headlines, "The Mayor advocates the recall of the judiciary," when I have never said a word to that effect. In fact I am not in favor of the recall at all; I may as well relieve your minds by saying that right off. Here in the East with our short terms of office—and I think the like is the case all over the country—I do not see what need we have of the recall of officials. Their terms are up quick enough and they can be recalled by being left at home. I believe Judge Baldwin's term even is only two years as Governor. Why, you would not have time to recall him if you wanted to. And then when you did you would find out you had made a mistake. But this I have to say, that if the recall is to be adopted I do not wish to see the Judges excluded from it. Every time we have a dinner of the Judges in New York, or a meeting, they denounce the recall of the Judges. It seems to be all right to them for everybody else to be recalled. At all events they say nothing about that. And yet their terms are for fourteen years, and if anybody down there is to be recalled, I say include the Judges. This thing of having a recall held over them, the Judges say, might intimidate them so that they would make wrong decisions. But if it would intimidate the Judges, I think it might intimidate some of the rest of us too, might it not? And we might do something that we would be sorry for afterwards and that the people would be sorry for too. I did not run the danger that any of you would say that I am for the recall of the Judges, and it was hardly worth while to speak about those newspapers which report everything by headlines, and report it wrong at that. We might as well let them alone. I knew of a great big husband once with a little bit of a wife, and she used to beat him and mistreat him. One of the neighbors saw her at him one day, and asked, "Why do you submit to

that?" and he says, "Why it doesn't hurt me and it pleases Mary Ann." That would apply to some of our New York newspapers; but I dare say to no newspaper up here. That is why I am so free to talk about it away from home.

Now, to come closer to my subject whether the Judges stand in the way in this country of economic and social reform, I want to say to you at the outset that what I have to say hinges on a constitutional provision. And that constitutional provision, my young law school friends, is the one which prescribes that "no one's life, liberty or property shall be taken except by due process of law," or, as it is sometimes expressed, "except by the law of the land"—phrases which mean the same thing. Now that constitutional safeguard is in every one of the fundamental instruments of government in this country, national and state, which we call constitutions of government. It was put in these fundamental instruments at the beginning. It was not in the national constitution at its first adoption, but certain states insisted, and it and others were put in a very few years afterwards. But this safeguard of which I speak is not peculiar to this country. It can be traced back far. It has its foundation even in Magna Charta. It is there in substance as all the courts point out. It runs through British constitutional history. Nor is it peculiar to English or American constitutional law or history. A similar safeguard is to be found in every civilized government in the world, expressed in one form or another. We sometimes run away with the notion that this safeguard is only in English and American history. Not at all. They have it all over Europe, that no one's life, liberty or property shall be taken except in a lawful way, that is to say, by due process of law.

But what I call your attention to is that the courts in this country, beginning in about 1870, began to give this phrase a large meaning. They have taken the words "liberty" and "property" in this provision and given them an elastic and enlarged meaning which nobody

dreamed lurked anywhere in this provision. Why, when King John signed Magna Charta at the demand of his Barons and undertook therein not to deprive any of his subjects of his "liberty" except by the law of the land, they all meant that he should not arrest them or imprison them or restrain them of their personal liberty except by due process of law. King John certainly did not think the word "liberty" he was signing for meant liberty for a woman to work all night in a factory, or anything like that. In the same way when this safeguard was adopted in our fundamental instruments of government in this country, no one understood it to have such a meaning. You shall not deprive a man of his liberty and property except by due process of law. To deprive him of his liberty was understood to mean to arrest him and lock him up or restrain his physical liberty. And to take his property meant to actually take his property. And not in England or on the continent of Europe, or anywhere else in the world, has any other meaning been attached to these two words, except in this country, and here not until about 1870. Some Judges who got tired of the ordinary rule of thumb in deciding cases began to see in this word "liberty" boundless meanings—liberty to make any kind of a contract, liberty to do what you like in your house, liberty to work as long as you like. And in the word "property" they began to see not merely physical property, but uses of property. And in the decisions thus made I respectfully say the courts have often forgotten that no ownership of property gives any one a right to use his property in any way which is inconsistent with the rights, safety or comfort of the community. That is a fundamental principle with regard to property. It used to be an old-fashioned thing for people to say of their property, and even the railroad companies used to say it in this country some years ago, "Well, do not we own it and cannot we do as we like with our own?" I do not think a man with an automobile has a right to do what he likes with it. No more has a man with a piece of land, or any other prop-

erty. He has got to use it consistently with the welfare of the whole community, and the whole community has a right to deprive him of the use of it to the extent of making him conform to that welfare.

Now, I will take up some court decisions to illustrate to you how the courts, as I think, and as many think, have gone far afield in the interpretation of the words "liberty" and "property" in this constitutional safeguard. I am not saying to you anything new with me. I said this when I was a Judge. I put it in the form of an address some years ago, at a time when it made people look somewhat askance at a man to say as much. But, I tell you, people do not look so much askance nowadays as they used to about a good many things. And I have had a very distinguished recruit to my side within a year, who is saying something about this throughout the country.

The first case I shall call your attention to is known in my own state as the tenement house tobacco case. There are similar decisions in other states, but I shall cite from my own state mostly in order not to be offensive. I will start with the tenement house tobacco case. You know what a condensed population we have in a part of the City of New York. Well, benevolent men and women in going around there found in the little rooms in these crowded tenements certain things being manufactured that were not wholesome. They found tobacco being manufactured into its various products in the living rooms of these poor tenements. Benevolent people who help the poor saw it and they saw the evils of it. They saw little children born into this world and brought up in bedrooms and kitchens in the fumes and odors of tobacco. They also saw longer hours of work than would be the case if workmen left their work at the shop and went home. So they went to the legislature and got a law passed forbidding the manufacture of tobacco in the living rooms of these tenements. And the Governor signed it. Well, they thought they had accomplished something important. And a great many thought so, and a great many more to-day think so than



thought so then. But it got into the courts and finally the highest court in my state, the Court of Appeals, decided the case. And it said that that statute was unconstitutional and void because it deprived the leaseholder, the tenant, of his "liberty" and his "property" within the meaning of this constitutional provision. It is one of the pioneer cases, and the Judge who wrote the opinion waxed eloquent over this thing. It could not be allowed, the depriving of a man in his tenement of the "liberty" to bring his children up in the fumes of tobacco. That liberty was too valuable to be taken away from him. I have had the case brought in from the library (taking up a copy of the New York State Reports\*). The Judge said in these very words: "It arbitrarily deprives him of his property and of some portion of his personal liberty." Some "portion," mind you. I wonder he did not say "potion" in place of portion. The idea of dealing out liberty by portions may do for judicial English, but I do not advise you young law students to adopt it. If there is anybody on this earth that the earth has least use for it is the little rule of thumb lawyer, especially if he goes about with a green bag in his hand as I have seen them do in Boston. That kind of a little lawyer generally grows up and after a few years has a face of parchment, and he does everything just by rule of thumb. My young friends in the Law School here, broaden out. Be lawyers and be judges, but not little rule of thumb lawyers and judges. I almost say to you be men first and lawyers second. Yes, after an eloquent disquisition this Judge says this statute arbitrarily deprives this tenement leaseholder of his "property" and of some portion of his "liberty," within the meaning of this constitutional prohibition against depriving anybody of his liberty or property without due process of law. The court said that it deprived him of liberty to use his tenement as he saw fit. The word "liberty" in this constitutional provision, the court said, meant liberty

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\*Matter of Jacobs, 98 N. Y. Reports, 98.

to manufacture tobacco in your tenement under your children's noses if you wanted to. The sum and substance of it is that the court said that this constitutional guaranty gave the tenant liberty to do that in his tenement, and therefore the legislature could not take it away from him. Well, if the premises were correct the conclusion would be correct. And then they said that it deprived him of his property within the meaning of the word "property" in this constitutional provision in this, that it deprived him of one use of his property, namely, the use to manufacture tobacco—as though he could not go elsewhere and get another room to manufacture tobacco in. But that was the reasoning. I suppose I ought not to poke fun over it, because it is a serious matter, but it is not always easy to be serious when you do not see the thing in the same light as other solemn people see it. And so down went this health statute in a heap, declared void because it deprived the tenement house lessee of the liberty to use his tenement for anything he saw fit, and deprived him of his property in as much as it deprived him of one use of his one-year leasehold, or whatever it was. That was the decision. It was all reasoned out very fine. But do the words "liberty" and "property" in the constitutional provision mean any such thing? Not in England up to this hour, where this constitutional phrase originated, has anybody ever dreamed of it meaning any such thing. Nowhere in the civilized world except in this country has anybody said it meant any such thing. Why, the Barons never dreamed at Runnymede that they were extorting from King John by Magna Charta liberty to manufacture tobacco in a tenement bedroom.

The next case in order was the bake-oven case in my state. A bake-oven, you know, is underground. And if any of you ever were in a bake-oven I do not need to say another word about bake-ovens. It is the hottest and most uncomfortable place on the face of the earth. It is a hard place to work in. It is hot and unhealthy, and no one can stand it without injury to health. So in the same

way in the state of New York we had a law passed prescribing sanitary regulations for the bakeries. Much medical opinion was got together about it, and statistics were looked up to see how long bakers lived. And bread can be very easily made unsanitary by an unsanitary baker. The rheum of his eyes and the sweat of his body may not be very pleasant to have in your bread the next morning, though you know nothing about it. And disease may be disseminated in that way. These bake-ovens are exceptional. They are underground and as hot as Tophet, if I may use such an expression here. It reminds me of the saying of General Phil. Sheridan, that if he owned both Texas and Tophet, he would lease out Texas and live in Tophet. Texas was a hard place in those days, and these bake-ovens are much harder. The law was passed prescribing regulations for them. One of the regulations was that 10 hours a night was all that a baker should work in these places. To do credit to our state courts, they said it was a reasonable law—that it was a fair health law—and they approved of it. But it got up to the Supreme Court of the United States in some way and that court, by a vote of 5 to 4, as is usual in important matters, decided that the act was unconstitutional and void because it deprived the journeyman bakers of the “liberty” of working all night in bake-ovens if they wanted to. That is exactly the decision. They said it took away their liberty. There were no journeymen bakers that I know of clamoring for any such liberty. Judge Peckham, who wrote the opinion on which the case was decided, said (reading from *United States Reports*\*) : “The question involved is whether the statute is a fair, reasonable and appropriate exercise of the police power of the state, or is it an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty.” That was exactly the language of the Judge. Judge Holmes, who wrote one of the dissenting opinions,

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\*Lochner Case, 198 U. S. Reports, 45.

said it looked to him as though it was only an installment of what we might look for hereafter. And he intimated that the legislature had the right, if it saw fit, to prescribe 10 hours a day for everybody, in office and out of office. Judge Peckham said for the court the question was whether it was a fair and reasonable exercise of legislative power. And he said, no, it was not. But who is the judge of that, pray? Who made him the judge of it, pray? Who made any court in this land the judge of that against your will? If you, by which I mean the intelligent people of any state, conclude that it is a fair and reasonable thing to limit the hours of work in these bake-ovens to 10 hours in one night, if enlightened public sentiment comes to that conclusion, I want to know where any court in this land was given the power to set that enlightened public sentiment at naught and overthrow it. To say that this is a government of the people is trite, and I am sorry to say sometimes laughed at nowadays. They spell it in New York in some of the newspapers p-e-e-p-u-l in order to make ridicule of it. They think that when you say the people you mean every man who has a patch on his trousers and no visible means of support. I think you and I do not mean that when we say the people. I say the people up here at Yale University and the enlightened people of the country. Everybody knows more than anybody. It was always so, and I think the enlightened opinion of the people on a question like that may be more safely followed than that of a few judges, and should be. Nowhere in the civilized world did any bench of judges ever arrogate to themselves the right to decide over the heads of the legislature and the community whether such a legislative act is fair and reasonable until it was done in this country. Fair and reasonable? Don't we know whether it is fair and reasonable as a health measure for the benefit of society to prohibit tobacco from being manufactured in tenement rooms with little children playing around and tasting and smelling it and learning how to use it, and having their health injured by it? And in the

same way, do we know or do we not know whether it is fair and reasonable to prescribe 10 hours for night work in an underground bake-oven. Some of you go down into one to-night and see whether you would like to stay there any longer than 10 hours, if you have any doubt about what I am telling you. That is one of the problems I have in New York now to keep the bakeries sanitary. Good bread depends upon it. Good bread depends upon the health of these men who cough and sweat there while they are at their work.

Now, the police power, as it is called, gives the Legislature power to pass any law for (quoting from a volume) "the health, comfort, morals, safety or general welfare of society." That is the definition of the police power. And the courts profess to be all agreed that any statute passed for the health, comfort, morals, safety or general welfare is a good and valid statute notwithstanding this constitutional provision. But, say the courts, we, however, will keep the decision to ourselves of the question whether a given statute is fairly and reasonably for the "health, comfort, morals, safety or general welfare." It is not enough that the Legislature and those who elected it think so and say so. The legislature may debate it. They may collect statistics on it. Benevolent people may work upon it. The law may be passed unanimously by the Legislature and signed by the Governor and meet the wishes of the whole state. But we, we, mind you, or I, if it happen to be one judge, reserve to ourselves, or to myself—big I and little you—the question whether it is such is reasonable and fair and necessary, or not. All I say is that we have given no such power to the courts. And in reserving that question to themselves how do they do it? Why, they do just what I am telling you. They go to this constitutional provision, which we borrowed from England and which is world wide, and they take these two words "liberty" and "property," and they say the statute deprives a man of his liberty or his property or both within their meaning as used in such provision—deprives him of his

liberty to sweat all night in a bake-oven and of his liberty to manufacture tobacco under the noses of his little children in tenement rooms, and that such statute is not for the health, morals, comfort, safety or general welfare. Now, I am speaking with all respect. I said all this years ago, and I was wondering whether it was altogether safe to say it up here among you people of steady habits in Connecticut. But inasmuch as you students here come from all parts of the United States I thought I would venture to speak about it. Do not understand me as deriding the courts. Nobody has more respect for them than I have. We all respect them. But never let any one get it out of your mind that the judges are public officials just like mayors and governors, like myself and Governor Baldwin, and open to public criticism just as we are, neither more nor less. We cannot criticise them while they have a case before them. Ordinary decency requires that we remain mute—not like some newspapers which tell them how to decide it and do the whole thing for them. We have to keep still until they have made their decision. But as soon as they make it we have a right to discuss and criticise it if we want to, and pick it to pieces if we can.

The next case in order in my own state is the factory women's act. Now what was that? The Legislature with unanimity passed a law and the Governor signed it that women should not be permitted to work in the factories of the state between the hours of 9 at night and 6 in the morning. Now do you understand what I am saying? You may think I am joking but I am not. It was not between 6 in the morning and 9 at night. We all thought it was enough to work from 6 in the morning until 9 at night for women in factories, so we passed a law that between 9 at night and 6 in the morning they should quit. Now, why did we do that? Why, we did it because they have done it all over Europe and in England and all over the civilized world, as they have with regard to other like cases. We did it because we wanted our women healthy, and also good looking, if you will allow me. That counts

for a good deal in this world with a woman. But for a man the homelier he is the better so far as I know, especially so far as getting along with the women is concerned. And the Governor signed the act. Nobody ever dreamed of the law having anything the matter with it. We wanted healthy children also, and you do not have healthy children unless you have healthy mothers. I have already read to you the police power law which permits any statute for the welfare of the community or the health of the community or the morals of the community to be passed. Isn't it to the welfare and health of the community that women bear healthy children, which they cannot do unless they are healthy themselves? But it got into our Court of Appeals and they were indignant. I cannot express it any other way. Read the opinion of the court.\* There is a tone of indignation in it. And what was it? Why, they said you are depriving the women of the liberty to work all night if they want to. Well, now, we had not heard any woman clamoring for that liberty in our state. But the Court of Appeals cited this constitutional provision that you may not deprive any one of his liberty or her liberty without due process of law. And they said here is a statute, with no process of law, just in the stroke of a pen depriving her of the liberty to work all night if she sees fit. And down it went. This word liberty was stretched to mean that. Of course when you get going in this world down hill the farther you go the faster you go until you fall prone. And sooner or later the courts have to fall prone with these cases. And that statute was destroyed. Now I do not want to say anything too strong, so I almost have to appeal to President Hadley and Judge Baldwin here present if it is not a reasonable thing to say that a statute like that should meet with the assent of every man and woman. And so it did until it got into the Court of Appeals of the State of New York, and these venerable gentlemen thumbed the Constitution and found

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\*Williams Case, 189 N. Y. Reports, 131.

this clause, which they were very familiar with, that no woman should be deprived of her liberty without due process of law. And that is the fate the case met. Since then a case came up in the Supreme Court of the United States from Oregon, I think,\* and the Supreme Court was confronted with this decision in our state. But finally they rejected it and held the statute from the West to be good. They interpreted this same constitutional provision in the United States Constitution. Thus we have this same word "liberty" in the same context held to mean one thing by the one court and another thing by the other. They said that women were the wards of the nation and bore our children, and that such a statute was reasonable on its face. But they still asserted and kept to themselves this power of deciding whether it is reasonable or not, which I say is your right and not theirs. We all know whether it is right or not without submitting it to a bench of judges, men for years withdrawn from affairs of life, men who have not kept note of the economic and social progress of the world, men who, maybe, are years behind their times. Most men do not advance after 40. What they know up to that date they think is just right and they will stick to it. But the forerunners of human thought are afoot all the time, and they lead the way in this world. The world is advancing all the time, not going backward. And these statutes come along as the mere expressions of economic advancement and social advancement, and to have them meet such a fate on the theory that they conflict with this constitutional provision, passed only to safeguard the individual in his liberty and property, is distressing.

Now, we also passed several statutes in our state with regard to work done for the state or any municipality by contractors, that the rate of wages paid should be the prevailing rate, as it is expressed, and that 10 hours should be a day's work. That was done because the contractors

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\*Muller Case, 208 U. S. Reports, 412.



on large works very often move into a community with an army of men that they had on some work maybe a thousand miles off, where labor was cheap. That law was passed not to have the community dislocated by such things as that, but to have the local prevailing rate of wages paid. But our Court of Appeals struck these laws down one after the other as depriving a man of his liberty to work for any wages he saw fit—for 90 cents, say, when the prevailing rate was \$1.50. But as I will show you later those decisions all went by the board.

Another decision I wish to call your attention to was made a year ago last winter, by our Court of Appeals, the highest in the state.\* It was on the Employers' Liability act. Now, let me say preliminary that 32 different governments of the world have an Employers' Liability act, coupled with insurance, often. Every civilized country in the world has it outside of this country. Prussia had one as early as 1847. Russia has a model one, and we sometimes say Russia is uncivilized. Lloyd George, three years ago, modeled the English act after the Russian one. And what a great statesman they said Lloyd George was. But he simply took the Russian act and copied it. They had one in England already, but it was rather old and out of date. But all over Europe, all over the British Colonies, all over the world, in 32 different governments or more, such a law exists. The old common law rule, as we call it, is that the workman takes all the inherent risks of the business. Well, when people had nothing but hoes and shovels and hand-looms and the like to work with there was not much risk to take. But now with our complicated machinery and our explosives, the workman takes a great deal of risk. The judges very often say in a bungling way that the workman "assumes" the inherent risk of the work and the place where he works. He does not assume it at all. He is not given a chance to say a word about it. The law casts it upon him, the common law rule which

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\*Ives Case, 201 N. Y. Reports, 271.

we took from England but which England discarded years ago. He has also no redress if injured by the negligence of a fellow worker. He is told to sue his fellow worker. What a consolation that is. Well, now, in England that has all been done away with. It is done away with all over Europe, everywhere except here. We have stuck to it in my state as though we worshipped it. But in this statute passed three years ago in my state it was enacted that the common law rules that the workman took all the inherent risks of the business, machinery, blasting and everything, and of the negligence of his fellow workers, was abrogated. And then the statute enacted that unless he was hurt by his own wilful negligence he should be paid by the employer. All the enlightened employers in my state wanted the law. All the workmen wanted the law, and all people who have kept pace with the economic progress of the world wanted the law. And it was passed. The employers had reason to want the law. Now there are certain insurance companies that insure them against accidents to their workmen. One employer pays \$1,500 a year to the company to insure him against all these accidents, and another \$10,000, and so on, according to the size of their business. A few years ago I was talking to an educated man on that subject, and I said there ought to be a fund made up by government by taxation of manufacturers to pay those people who lose their legs and arms and the dependents of those who lose their lives by dangerous machinery. And he said I was "talking socialism." I said to him that some people are much frightened about socialism but that socialism like that did not frighten me any. It seems to me that if everybody was put on the level of socialism, and everybody was paid a wage by the state, everybody would be doing as little as he could. The total product would grow less all the time and there would be more poverty than the world ever saw. That is the way I look at socialism, and yet I may be wrong. "But," he says, "you are talking socialism." I asked him if he was not insured against accidents to his workmen. He said

he was, and paid \$1,500 a year. I told him that the insurance company employed an army of lawyers, an army of investigators, an army of process servers, and in that way ate up the fund made up by the premiums paid in, leaving enough however to pay a fair dividend to the stockholders. And that if the state taxed all employers to pay for these accidents without any law suit at all they might be paying less of a tax than they are now paying to the insurance companies for it. "Well, I never thought of that," he said. I said, "That is socialism, is it? You ought to begin to think about it." So, as I said, in my state we were willing to have this law and it was passed and the Governor signed it. There was no party question about it. The legislature was practically unanimous. But the statute was challenged in the courts, and this old friend of ours, the constitutional guaranty that your property shall not be taken without due process of law, was brought up again, and the courts said that to make the employers in the factories pay for these injuries of workmen was to take that much money from them without due process of law and therefore was taking their property without due process of law, and therefore violative of this constitutional guaranty. And the statute was declared void. Well, now, let us see. Does it take any one's property at all? A manufacturer has to pay for the machinery and when it is broken he has to repair it. And all that goes into the cost of his product. And if he has to pay people who have their hands crushed and who are otherwise hurt, will not that enter into the cost of his product also? Doesn't he simply add that, a mere decimal too small to be noticed, to the selling price of his article? And therefore it is you and I and the whole community in buying that article who pay this fund that goes to pay these people, and not the manufacturer at all. That is an economic proposition, and I see no answer to it. Nor do I see any reason why we should not make the expense of such injuries a part of the cost of manufacture, the same as the cost and repair of the machinery. Do you see any reason why one should

not be on a par with the other? They have done it all over the world, and why should we not do it here? Why also should we not go further if necessary as they do, and impose a tax on the manufacturers to create a fund to be put in trust in the hands of the state to pay these expenses? We simply add one other cost to manufacture. I referred a moment ago to the Prussian law of 1847. It was a tax on wages to create such a fund, and it was such a decimal that the manufacturer, sooner than be bothered with the bookkeeping of it, as a rule paid it himself, and the law soon after was amended to cast it on the manufacturer. The tax is not so large. People look at these things too seriously. When you come to spread a tax over all the manufacturers of the state you know a small tax will raise a large sum and will pay all these maimed and injured people and go into the cost of the manufactured product and all who buy manufactured articles pay the money that goes to pay for these injuries, and hardly feel it. We have got to pay for them in some way, either in the poor-house or in some more respectable way, and I think we had better choose the respectable way. But this Employers' Liability act in my state we cannot have. I read this morning that the United States Senate had passed a national one, and I was sorry to see that even 15 Senators voted against it.

Now what is the remedy for these things? I have kept my remarks to my own state and the Supreme Court of the United States. My state has been a woeful offender, and other states quite as bad. What are you going to do? You cannot put tobacco out of your tenements. You cannot prescribe hours of work at night in the bake-ovens. You cannot forbid people to employ women between nine at night and six in the morning in factories. You cannot have an insurance law or an Employers' Liability law to pay people who are injured at work. What are you going to do? I referred a moment ago to the decisions of our Court of Appeals declaring those acts void which said the prevailing rate of wages

should be paid on state and municipal work by contractors, and that 10 hours a day should constitute a day's work. How did we get rid of those decisions, do you suppose? In 1905 we passed a constitutional amendment nullifying them, or to use a word now grown familiar and quite expressive, we "recalled" them all.\* Some people are talking about recalling decisions as though they had discovered something new. Why, we have been doing it from the foundation of our government. When the courts decide things in the way we do not want, the legislature passes an act making it as the people want it over the heads of the courts. But where it is a constitutional question the legislature cannot do it. We have to do it by constitutional amendment. Some are clamoring against submitting these questions to the vote of the people—some say populace, so little respect have they for the people. We talk about the intelligent people that come out of Yale and our colleges and our splendid system of schools—that is what we mean when we talk about the intelligence of the people, and I tell you the intelligence of the people governs in the end. And the intelligent people control those who are not intelligent. I once made the statement before an audience that there was at least one highly intelligent man in each block in the City of New York, and that in the end, as he thought, that block would think. His mind would come pretty near ruling that block. And a man said to me, "Never say that again. If you ever want to run for office you will only have that one man in the block to vote for you." And I said to him, "My dear sir, I can say that with impunity because every man in the audience will think he is that one man in the block." That is what we did with these five decisions. Now the legislature of my state this year, before adjourning, passed a joint resolution to submit to a vote of the people the question whether we should not overrule this Employers' Liability decision, too. It is

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\*N. Y. State Constitution, Art. 12, Sec. 1.

nothing new at all, this recalling of decisions. Those that think it is new are only discovering an old thing which they think is new. Some people are clamoring against submitting it to the vote of the people. Why the constitutions of our states are adopted by the people, are they not? And the people can alter them by their vote, can they not? I see no difference between adopting the constitution by a vote of the people and the people amending it when they see fit, and as they see fit, by their vote. That is the way we do it in fact throughout all our states. But it is not done that way under the federal constitution, but will be, I assume, some time. Our legislature passed this year a joint resolution to submit that decision to a vote of the people, and our system is that two succeeding legislatures have to pass the resolution and then the following fall the people vote on it at the election. So that you see in eighteen months we can bring about a constitutional amendment in my state. And that is the way generally throughout the states of the nation. And a year from this fall we will submit to the people of my state the question whether we will recall this decision striking down the Employers' Liability act. And you people in Connecticut will see us recall it. We intend to go along a little.

The national constitution is not so easily changed. We have been six years now at work in the process of changing it so as to overrule the income tax decisions, and it looks as though we would be six years more at it. There is no provision in the federal constitution for calling constitutional conventions. In my state and in many, if not most states, there is a provision in the constitution that there must be a constitutional convention every twelve years. We have to have it whether we want it or not, and that gives the people from all over the state a chance to come up and suggest constitutional amendments. Lincoln said that a constitution should not outlast a generation. He did not mean by that that a constitution should go by the board as a whole at the end of every generation.

He only meant that at the end of a generation it would need changes. There is no use talking of these constitutions being sacred. Why, they are sacred in a certain sense, but they are not sacred enough to stop the progress of humanity and of the world. They are not sacred enough to stop social and economic progress by any means, and every generation that comes along is confronted by new conditions—that is what Lincoln meant when he said that a constitution should not outlast a generation. The English constitution, which the judges sometimes say is unwritten, has always been changing. I do not see how it is unwritten, however. I would like to know what part of it is unwritten. The habeas corpus act, the bill of rights, the petition of right, the act of settlement, and so on—all of it that I know anything about is written. But it has always been changing, gradually, very gradually, from generation to generation. Macaulay has this fine expression with regard to it: “Although it has been constantly changing there never was an instant of time in which the major portion of it was not old.” That expresses how we must deal with constitutions. The changes must be gradual, mature and careful. So that we may be able to say of our constitution as Macaulay said of the British constitution, “constantly changing, but there never was an instant of time in which the major part of it was not old.” So I would advocate putting in the national constitution an amendment that we have a constitutional convention by congressional districts every fifteen or twenty years, and give the people of this country a chance to ask for changes. When the courts decide things to be unconstitutional we are helpless unless we can get together and change our constitution by vote, and that ought to be brought around as easily as possible. Not as easily as possible in the rash sense, but as easily as possible with mature thought, with care, and with a reasonable lapse of time before voting—time for full discussion and thought.

Now, I have probably said enough to lodge in your minds what I wanted to communicate to you on this sub-

ject. I have omitted much, but I hope I have said enough to start you men here, especially in the law school, to thinking about these things. Don't go out of college as mere iconoclasts wanting to break everything, like some calling themselves radicals, who go around pulling up everything by the roots before they have something else to plant in its place. I do not want you to be that kind of men, but careful men, and mature men, and broad men. Do not go into the honorable profession of the law in a narrow spirit. Do not sit down and worship a decision simply because judges made it. An unjust decision cannot last in the nature of things. Courts sometimes think when they make a decision they have settled a thing forever. It is not so. If you had lived in the time of the Dred Scott decision would you have sat down and worshipped it? The Dred Scott decision which took a negro boy and remanded him back into human slavery in the state from which he came only hastened the coming liberation of the slave. It was open to discussion and to criticism like all official acts. And so you young men coming out of here to the bar, do not be the little rule of thumb lawyer that I spoke about at the beginning, but let your minds grow and expand. And look at the law as a growth, a growth to keep pace with economic growth and social growth, and then you shall have social justice and economic justice, or, to use a phrase that I like better, you will have, for you will bring it about in your generation, distributive justice to all.

### **Distributive Justice**

(Remarks at the Dinner of the Trust Company Section of the American Bankers' Association, Waldorf-Astoria Hotel, May 9, 1912.)

Mr. Chairman and Gentlemen: My part according to the programme is to welcome you in behalf of the City of New York. If you are satisfied with that much I will be perfectly willing to sit down. I most heartily welcome



you. You are here from 36 states of the nation, as I understand it. Thirty-six—why not from all? And I welcome you all. I feel in perfectly good company; I may as well say that too. I am right here with what some of our statesmen call the octopus. Or if I may use the plural, in its homeliest way, about 700 octopuses, I understand, are in this room. Altogether you make one great big octopus. Well, I am not a bit afraid of you, and I feel entirely comfortable, because we have a good many of the same kind, as Mr. Morgan knows, right here in the city of New York. I confess that I have found you just about like the rest of mankind. You have a bad name in some quarters, but I have found that your heart and your head are about the same as the rest of us. I do not want to say anything bad of you, to tell the truth—I might want to borrow a thousand dollars tomorrow, so I will be careful. If you are to be hung, drawn and quartered here in the city of New York, I think I will turn that part of the job over to Judge Baldwin of Connecticut, at my right here. Perhaps he has some blue law up in Connecticut that he has brought along in his vest pocket that will very fairly dispose of you.

But if your reputation is somewhat shady in some quarters, I have to remind you that it is nothing new. That is something of very long standing. I hate to quote any classical author when these gentlemen of the press are around, because it astonishes the whole journalistic world. In the most harmless way I once quoted one sentence from Epictetus, and I never heard the last of it up to this time. First they seemed to think I quoted from some bad book. But by degrees they learned that I simply quoted from a harmless philosopher who had been or was a slave when he dictated his philosophy.

Your reputation was bad even before the time of the elder Cato. (To the reporters: Cato, Cato, I said. Did you ever hear of him before?) And I will let you know what he said about you, or what he says that other people said about you. It is in *De Re Rustica*—you college grad-

uates have all read that in the original, his treatise on farming. It is a sort of a Horace Greeley book, "What I know about Farming," by the elder Cato. And he was telling how honorable it was to make money out of farming. And then he said it is also at times worth while to gain wealth by commerce, were it not so perilous, or by usury were it equally honorable. And usury in those days meant any kind of interest. It was not a hard word as it is now. And then he says "our ancestors, however, held and fixed by law that a thief should be condemned to restore double, but a usurer quadruple." And then he continues, "We thus see how much worse they thought it for a citizen to be a money lender than a thief." Now none of the modern statesmen have said anything as bad as that about you have they, from Oregon to Connecticut? I have not heard of anybody saying anything quite so bad. They call you an octopus, and they laugh the next day when they want to borrow a thousand dollars and say they did not mean it at all. And you laugh also and lend them the money, sometimes to get rid of them, and without security. You are glad to do it. But you have your useful place in the world like everybody else. Society is very complex. If we were all bankers I don't know what would become of us. And if we had no bankers I don't know what would become of us or of you either. You have your useful place in the world, and your honorable place. I don't look upon you with any alarm whatever. On the contrary I look upon you as performing not only useful but an absolutely necessary office in every civilized community in the world. Of course we don't want too many of you. The monied interests are always dreaded. Those who charge interest for money are always hated. But it is nothing new. I wish some of you would read the history of the House of Fuger beginning in the fifteenth century in Germany. You will find it in the recent volumes, "The Foundations of the Nineteenth Century." Some chap came there into Dusseldorf, a weaver, and he saved his wages, and he began to loan it around here and there, and finally he became

a banker. And during all the rest of that century, and all the sixteenth century, for that matter, the house of Fuger financed pretty much everything that there was in Germany, even the operations of the church in the collection of the indulgence money, as you read in history. They heard as much about them as we hear about the house of Morgan, if I may take that name in vain again (turning toward J. Pierpont Morgan). But they lived there in their day and their time, and passed away. They had their enemies, and they had their friends, and I suppose on the whole probably they served a useful purpose. At all events they tried to. And that is what you are trying to do.

I asked the distinguished gentlemen on my right and on my left what the laws of usury were generally throughout the country. I understand, in fact I know, that in most of New England they have had the good sense to do away with the usury law. Scathed and blasted by the logic and reasoning of Bentham and Mill, and such minds, the usury laws disappeared from England and from the continent of Europe so far as I know, but we still harbor them to a large extent in this country. My own state here has the most illogical, nonsensical and, I might say, wretched usury law on the face of the earth. We pass a statute prescribing a rate for money and then we make penalties for anybody who agrees to take a higher rate. And one of the penalties is that the whole loan is forfeited. Well, that is done to protect the borrower they say. Did you ever hear such nonsense in your life? To protect the borrower. Why, if the borrower has no credit he cannot borrow, and if his credit is poor he has got to pay the rate for such credit. And inasmuch as the whole loan may be forfeited if he chooses to go into court and resist payment, why he has to be charged an additional sum in the rate for that risk, hasn't he? That is as plain as your five fingers. And yet when some attempts in this state have been made to repeal that nonsensical law you would think that the pillars of the temple were about to be pulled down. They say

it is to protect the poor. Oh, dear me! Protect the poor! It only adds to the rate the poor have to pay for money, the risk that I am telling you. Every risk in the loan has to be considered in fixing the interest which has to be paid. Now many of our states have done away with that, following England and Europe. The borrower they say is the servant of the lender. Yes, to some extent that is true. Then they reason that the borrower and the lender are not on equal terms, and therefore they will enact a law that the lender shall only charge 6 per cent. because he is dominant over the borrower. But you are not obliged to lend it at all, and if you are taking a big risk you charge for it in some way or another. Somebody at my right or my left told me there is such a thing as getting a commission on the outside; so that what they call the poor man, that they do love to protect so much, and in their bungling do not protect at all, very often has to pay a very much higher rate than he would have to pay if there were no usury law. The law says in this state, for instance, 6 per cent. But dear me, half the time money is being loaned for 3 per cent. and 4 per cent. Bonds and mortgages are placed here now at 4 per cent. and  $4\frac{1}{2}$  per cent.—why not 6 per cent.? Why, because money is not worth 6 per cent. and you cannot get any more than  $4\frac{1}{2}$  per cent. for it. That is the economic law. You might as well pass a law to change the seasons. As Macaulay says: “In spite of the Legislature the snow will fall when the sun is in Capricorn, and the flowers will bloom when he is in Cancer.” So that all these laws are futile. Absolutely futile. But the trouble is the danger of saying so. I have the unfortunate habit of saying anything I like. So tomorrow, no doubt, somebody will say that I want to abolish the usury laws for the benefit of the bankers. Not one bit of it. It would not benefit you a particle. It would reduce the rate of interest, and you know it, every one of you who has thought of it—especially any of you who have read the literature on the subject. They know it in Massachusetts, and they know it in the western states, and in

some of the southern states. But I am sorry to say, here in my own state with a plain economic thing like that, we have an economic falsehood on the statute books for generations, and no legislature to change it. But I suppose it will come along. Everything happens, you know, if you live long enough. You don't know what may happen to you. This sort of law serves its time and then passes away.

The great struggle and the effort of everybody is really to do the best for all. The great effort of society, as long as we have known anything about organized society, has been to bring about what I may define in two words, distributive justice. That is to say, justice to all, according to their merits and according to their productive capacity. And that is the great object of government, and the great aim of every honest man, whether he be a banker or not. Do not be mere little bankers, thinking about your own little clique, and your own little selves. If you do you will be like little parchment lawyers that we see going around with their little rule of thumb way of doing things and knowing nothing else on earth. Broaden out, you intelligent men, and help to bring about distributive justice to all—to those above on the ladder and those below on the ladder, all the way down. And don't be so mean and pitiable that you cannot put your eye first at the very foot of the ladder. I could make a wager that four-fifths of you started at the foot of the ladder yourselves. So look down at those at the foot, and remember that they are entitled to distributive justice too. We read the statistics of your banks, how much your deposits are, and how much your loans are, and we read the statistics showing the total product of the industry of the country. The figures are enormous. And then we all say: "What a prosperous country. The total product of industry last year was so many billions, beating every nation on the earth," and then we boast and say: "How prosperous!"

My friends, remember distributive justice when you have that in your minds. Prosperity does not depend

wholly on the total product of a country. It depends even more on a just distribution of that product among all who contributed by their work to produce it, whether that work was mental or physical or both. You may have the mightiest production, but until you have a just distribution among all who contributed to it, you will not have distributive justice and you will not have prosperity, a contented society. So look to it that your own calling does not dwarf your minds. An animal lives in a little circle, as I know every time I look at my dog, or my horse or my cow or my pig, or even my goose, and within that horizon that animal knows more than we do. And you may know all within your circle. But broaden out. Do not let your little circle be to you the horizon of humanity or of mankind. If you do, you are not fulfilling your office in the world. You intelligent men, with great power in your hands, prosperity is the highest production that a community is capable of consistent with the moral, mental and physical health of the members of that community, accompanied by a just division of the total product among those who produced it. I do not say share and share alike. No, but according to the productive capacity of each. Emulation and ambition are the mother of all good things in the world. What would the world be without them? So that the rewards of industry go to each and all according to the various productive capacities. And the loafers and criminals who produce nothing, Judge Baldwin, I suppose you and I, all of us, have to support them and bear with them the best we can. That seems to be the order of the world. So I will simply urge you to take that broad view of things.

I started out by facetiously saying that maybe you have a bad name in the community. I want to say something on the other side of it. Wherever you go throughout this country, especially outside of the large cities, where people know each other, in the small villages and cities, the banker is always recognized as an honest man and a useful citizen in the community. And he does much

good in the community. And if you have a bad name and the monied interests are complained of, it is because there is some instinctive feeling that here and there, by means of money, there is too much power in the hands of a few people. That you want to counteract. You want to counteract it by your justice, and by your humanity. Not by doling out charity, but by doing justice, by working all the time as intelligent citizens, after the manner of statesmen who promote that distributive justice which satisfies everybody and makes all people brethren.

Of course, there is a notion in the world, and it seems to be growing, that the state had better take all the banking unto itself, all the railroads unto itself, all the lands unto itself, all the implements and means of production, and all the factories, and everything, unto itself, and run them all. That is Socialism. I am aware that about 99 out of 100 think the Socialistic propaganda is to cut all the property up into little bits and give each one an equal bit. Just think of cutting all the land here on Manhattan Island, or in the city of New York, up into 5,000,000 bits and giving each one a bit. What would you do with your bit? Build a skyscraper on it? But they have no such thing in their minds at all. That is absurd. You all laugh at it. That is not their propaganda. Their propaganda is to mass everything under the control of the state. In place of dividing property up into little bits, they mass it all in one lump under one control, namely, of the state, and then let the state pay everybody. I think under that system each one of us would do just as little as he could, wouldn't he? All ambition and emulation would be gone. The mother of excellence in the world is competition. It would be gone. The state would be the only landlord, the only employer. Competition would be gone, and everyone doing as little as he could because he would only be paid a little anyhow. The result would be that the total product would be small, and grow smaller and smaller. The result would be more poverty under that regime than the world ever saw before. And it would not last one generation—that

is my opinion, publicly expressed for your benefit, and anyone else that may care to listen. But in the other way of competition we do not want to drive it to the extent of putting our hobnails into the flesh of our brethren and those who are struggling around us, whether in the political field or in the bankers' field, or in the workmen's field. We want to know there is one great God over us all. Knowing that solemnly and sincerely we should use it in the practical affairs of life, and try to do justice to all. And that is distributive justice. Now, you bankers, from all parts, go home and try to do that.

### **The Lessons of Farming**

(Extract from Speech at the Syracuse Fair, September 12, 1911.)

Mr. Chairman and Gentlemen of the State of New York: What particularly interested me in looking over your exhibit so far as I have gone is the growth of the State in its farming interests since I was a boy on the farm, which I may without any vanity mention since so many others have taken the liberty of lugging it in by the heels. I happen also to have been born and brought up on a farm, and have a vivid recollection of farming conditions in those days. We had an awful hard time to live. The best of what grew on the farm was not eaten at all. We scarcely ate butter, and never drank any milk, except skimmed milk. We seldom ate flesh meat, except pork, and seldom eggs, strange as it may sound to the prosperous farmers of to-day. Those were the things which brought in the only ready money which we had, and we saved our butter and such things until the agent came around to buy them and turn them into ready cash to pay the bills of the year. The rest of the year we just lived the best we could on the skimmed milk and what was left, and then in the winter—I won't exactly undertake to tell you how we lived. We lived somehow or another, or I would not be here and when we came out of it all with pretty



good constitutions, and we came out of it also with some preparation for life. The great quality of perseverance is learned on the farm as nowhere else. The city people rush about mad to make a dollar, and jump on a car and spend five cents and go back and forth with no time to spare, and do just their formal tasks as they have to do them from day to day. There is no education in it. There is nothing ennobling about it. There is no time left to them to think or to invent or to do any great thing, so that the cities, according to their population, do not produce the number of considerable or great men they should produce. But out in the country the lessons are entirely different. You learn the lessons of hardship. You learn that you have to work, wet or dry, and in the hot sun, and stick it out too in the hot sun or in the rain; or go into the woods in the winter and log it and cut and skid your logs and haul them out, and hew out the snow-banks in order to get in and out half the time. And when you look at a great big cornfield, with all its rows of corn, a great field, just think of going to work to cultivate and hoe that corn. It is bad enough to think of a little garden where you have to get down on your hands and knees to weed. That is tedious enough. But the big cornfield or the big potato field, why the city chap without any education or perseverance—by the time he had done half of one of these long rows would begin to count how many there were left, and quit. He would say "This is an endless job." But the country boy has to stick it out, row after row and day after day. So that in after life a big task put before him does not look so big, because he has been taught the experience that if he goes to work at it silently and systematically, that sooner or later, and soon enough at that, it will all be done. Now, is not that what we learn in the country above all other things; so that when we come down to the city and go in among the "smart" people—I mean the people who think they are so much smarter than we are—we are not at all feazed, we are a little awkward no doubt, we do not dress quite the same,

but we after all have some habits that equip us to come into the competition with them and do fairly well. How is that?

### On Opening a Jewish Theatre

(Address at the Opening of Kessler's Second Avenue Theatre, September 14, 1911.)

This theatre really is astonishing. There are a certain number of people in this great city who think the East Side is a sort of slum. Oh, how much they do sympathize with you. And how much a year some of them are being paid for sympathizing with you. I wish they were all here to-night to listen to this play. The name of the play is "God, Man and Devil." I cannot say it in Yiddish, but that is the way it is in English. Now, that is a pretty comprehensive play. It takes in the heavens above and the earth beneath and all the fire and water under the earth. Nothing is left out. I think after being Mayor for a year and a half that I could almost write a play on that subject myself. The great trouble, though, very often, is to distinguish the man from the devil. They look a good deal alike sometimes and act a good deal alike, too, and maybe this play will develop that trait as you witness it. However, I trust and am assured that it is a good play of high dramatic art. I do not know why it should not be. You people are of a dramatic race. Your whole history is drama and tragedy, from the twilight of fable, from the days of Abraham, down to this hour. Where else outside of your scriptures, the Old Testament in our bible, is there so much of exalted poetry, of exalted tragedy? All the literatures of the world in these respects and in others nowhere approach the books of what we call the Old Testament. And every one written by one of your race—one of the Jewish race. That is no flattery to tell you that, because the whole world knows it. And I might go much further and say that what we call the New Testament—the second part of our bible—that

every chapter and every line of it also was written by a Jew. So that the Christian bible—the bible that we all read—Old Testament and New Testament, was all of it written by Jews. And when a Christian picks up his bible to read it, and has that fact in his mind, how on earth is he going to have any ill will towards the Jew? And yet, after taking all of your scriptures and all of the New Testament, written by Jews, I am sorry to say that in some way or another they did turn around and show ill will towards you, which, however is happily dying out all over the world, and I shall not make further mention of it. May be some of it does survive yet, but God knows I don't know how it does survive or how it ever existed at all. It certainly will not survive much longer, even in Russia.

So you people are worthy of this theatre. This theatre never would have been built (with all respect to the architect and to the builder), except that you wanted it and that your genius was here waiting for it. Is not that so? And so they came along and built it for you, and somebody put up the money for it, and I suppose he is going to make his dividends out of it hereafter through your genius for the drama and through the instinct that you have for good plays and good music.

The programme said that Mr. Johnson, the builder, was going to give me the key of the building. I guess it is out in the door there somewhere. Where is it, Johnson? The next speaker is Mr. Kessler, so if I had the key, Mr. Kessler, as the programme says, I would give it to you and I would also say to you, "Sir, while you are the lessee of this theatre, you go and lock that outer door up tight with that key sooner than let anything foul or indecent in the way of plays enter this theatre. Hold the drama up. Honor the people that come here to take an interest in the drama." I am sorry to say it, but there are some people in the city of New York now of base mind, dealing with the drama, that only want to pull it down in the mud, and I hope this will never occur within the walls of

this theatre. It never will so long as the people of the East Side remain what they are now—pure of mind, aspiring to advance in the world, pure of heart and with an artistic temperament. I tell you that since the beginning of the world art and filth never went hand in hand, never. And they never will. Look at the masterpieces of comedy and tragedy. Look at the pieces played by Bonne, and Von Sonnenthal, and Rachael, and Bernhardt. Why, those were great actors and actresses because they played legitimate plays—plays filled with morality and genius, which did not degrade the community, but while they elevated us mortals up almost, as the saying is, to the skies, brought angels down, and purified the minds of everybody. That that is the future of this theatre is the hope which I now express in declaring it open and delivering it over to you, Mr. Kessler.

### Farmers' Prices

(Address to Farmers from Pennsylvania at City Hall, August 31, 1911.)

I am very glad indeed to receive you, farmers from Pennsylvania, all of you, as I understand. Most people in this city think that they are paying you altogether too much for what you produce and send down here. I happen to have been born and reared on a farm, so I think I may say that I am of a different opinion. I know we had a pretty hard time when I was at it, to make both ends meet, and I guess it is pretty much the same all over the United States yet, although we hear some people here in the city talking about the farmers rolling in wealth with their high prices. The figures read here this morning show that although we do pay unconscionably high prices here these prices do not go to you. Apparently only about one-third of it ever reaches you. The rest goes to the carrier and the middleman, and so on. The people in the cities also do not remember that if you are

receiving higher prices for your farm products than you formerly did you are, on the other hand, paying much higher prices for everything which you have to buy. So that the case with you is about the same as it used to be. It is just about the same old story—to work hard sunny day and rainy day all the year round, and live. That is about what it amounts to in the country the same as in the city. Now, these high prices are general. You only need to go to London or Paris to find the prices there higher than ever, the price of living. Some of you know that without my reminding you of it. One of the chiefest causes of the advance in prices of commodities all over the world is the excessive output of gold. Really the thing ought to be put the other way. The real cause is that money is cheaper than it used to be. That is to say, a dollar of gold or paper, which is equivalent to gold, is cheaper than it used to be and will not buy as much as it used to buy because the gold mines are putting out such great quantities of gold, the like of which was never known in the world before. Gold, which is only a commodity like all other commodities, is growing less valuable all the time, the more of it that is mined, and therefore a given amount of gold will buy a less and less quantity of commodities. So it has come to pass that you almost have to put up two dollars to buy what you used to be able to buy for one dollar. Now the largest cause that I know of for that, is the over production of gold or the great production of gold. I need not tell intelligent farmers that when you expand money, money becomes of less value and therefore purchases less; but we generally state it in the other way, that other commodities have grown high when in fact the medium of exchange, money, has grown less valuable. There are other causes also which account for the high prices, and some of them are the causes which you have laid here before me this morning—of the commodities going through too many hands before they reach the consumer, and then the freight rates, although it must be said in justice to the railroads, that the freight rates here

except for local hauls are not excessive. They are far greater in Europe than they are here, gentlemen, as you happen to know. The trouble in this country has not been excessive freight rates. The trouble has been that the railroads have assumed to give favorite rates to a few people. That has been the trouble. And so far as I had any advice to give when that matter was rife in Washington, I stated to the then President, who consulted me about it, not to try to lower rates too much but to have it established that no man could have his freight carried except at the same rate that every other man pays. The reason for that is this, that the man who can have his freight, whether it is oil or steel or iron or wire fence or what not, carried at a rate lower than his competitor, can thereby undersell his competitor in the market that much and drive him out of business, and thereby create the monopolies and trusts that have been created all over this country. I do not think there is a man in this country that fears honest competition against anybody. We have all got bravery enough to be ready to compete with any comer and all comers; but when you are the producer of a commodity and you have a rival that you are competing with producing the same commodity and you find that he can have his commodity carried over the railroads of the country to the markets at a price so much below you that he can undersell you that much in the market and destroy your business, then the railroads are being used for the most damnable purpose that anything was ever put to in this world. And it is my belief that all of the trusts in the country, substantially, were built up on favoritism in freight rates. You would just as leave compete in your line with any man, but if he can have his commodity carried to market at one-third less than you are paying or one-half less, why all you can do is to throw up your hands and sell out your business to him and quit. Now, the government is doing I suppose all it can do to stop that. Some people are so easily deceived that they think it all has been stopped. I am not quite so credulous

as that. In fact, I happen to know that it has not been stopped. But in the course of time, I suppose we will stop it some way or another. The people of the country will stop it. And then those monopolies cannot be created out of railroad rates any longer and thereby get the control of prices in the hands of a few people of the country.

Now I have mentioned to you the two chief things that are meddling with and disturbing prices—the great output of gold, which we cannot complain of because that is in the province of Almighty God and the laws of nature. The other we can complain of and do complain of and it must stop.

Now, your object to get your things down here and get them to the consumer as near to the price that you receive as possible, is most laudable. I assure you we will be glad to get them at that price if you can manage to give them to us. You may encounter a hard job, but if you persevere and your movement spreads, why I think something can be accomplished on that line. I can only say that while I am here I shall be very glad to meet you and assist you in any way that I can.

### **Advice on Entering Politics**

(Speech at the Dinner of the Politics Club of Columbia University, March 13, 1913.)

Mr. Chairman and Gentlemen of the Politics Club: I notice you have good lungs any way, whatever else may be the case. I certainly am very glad to meet a body of young men like this. It almost makes me feel young myself, if that were possible. At all events it makes me feel quiet, and think of some things that I do not think of in the surroundings of my daily life. Most of the people that I meet, or many of those I meet, are mere self-seekers, without sincerity. I suppose you know there is a large percentage of the city that is wholly corrupt. You are young politicians; you are associated under a club of

that name. Your desire is to go into politics from high motives. But the first disappointment you will encounter is that you will be surrounded by men of bad motives, low motives, selfish motives. You all think now that you have high motives, and I have no doubt it is so. Whether you will preserve them or not is another thing, when you get out into contact with the world. But you must try to. I hardly know what to say to you. I was looking over the letter of Mr. Trimble, your chairman, on the way up to see what cue I could get; and he says he would like me to speak to you about the duties of young men entering politics and the problems they will encounter. And then he wants me to tell what are the most serious difficulties in the government of a great city. Just think of that. I have a notion to begin at the last of his queries and tell them, but may be it is just as well that I should not do so. The duties of young men entering politics is what he mentions first. Now your duties are about the same wherever you may be; but of course they vary according to the locality in which you start life. I suppose some of you intend to be lawyers, and some doctors; some are going into business and some will be engineers, and so on. Wherever your lot is cast, if you enter politics you will have duties to perform. Every man should enter politics. That is to say, every man should perform the duties of a citizen, whether he be a college graduate or not. But I suppose you have something further than that in mind. You contemplate that you shall actually go into the field of politics. You contemplate possibly that you will run for office. You all contemplate no doubt you will have my office in a few years, those of you who live in the city of New York at all events; and I am sure I wish you all to have your wish in that respect. But of all things first analyze your mind and see what your motives are. See whether you are going into politics really from high motives or not. Are you going into politics to help the community or to help yourself? It is very easy to deceive ourselves. But my advice to you is to go into



politics only after a firm resolve that your whole and only motive is to help the community in which your lot is cast. Just forget yourself. Don't be a self-seeker. If you go into politics in that spirit then you will do much good. If you go into politics simply to seek your own personal advancement and welfare then it were much better that you stay out of politics. We can do nothing in this world worth while unless we are inspired by the motive of doing good to others. All the great men of the world, except those who were moved by ambition and by wrong motives, and are miscalled great, became great in that way. The philosophers were great in that way. Moses was great in that way. Jesus was great in that way. They lived for others, not for themselves. And at the same time it is no harm for me to say that those who live in that way take care of themselves also. At the same time others take care of them. But do not be a self-seeker. For young men to go into politics just to be gabby little fellows, making a noise and trying to get into office, is a very poor way of entering life. Indeed, do not do it. Have a motive—a high motive; and then do the best you can, whatever your pursuit in life may be. Everybody has duties. Mr. Trimble said, What are your duties in entering office? Why, we all have duties whether we enter politics or not, and our duties are to our fellow men. We have a duty to our family, to those nearest us; but the greatest duty of all that we have is the duty which we owe to humanity, then to our own country, and then to those around us. Some would say the country first and humanity second. That is a false theory. Let your horizon be just as wide as you can make it. You will be all the greater for that. And you cannot be really great unless your horizon is the horizon of all humanity. No one was ever great with a less horizon than that. Do not over-shoot the mark either. Do not be too eager. Be self-contained. Know what you want and then pursue that course. Why, when you look around and see the little noisy and gabby politicians you certainly have no wish

to join them, if that is what you mean. That would be miserable business. Be self-contained. Very often young men entering into politics want to go to the Legislature. They generally start out that way. That is the way Lincoln started out, and most of the great men that you can mention. Well, what course should you pursue in that respect? Why, you should go there for a purpose, if that be the way you start. How many wrecks I have seen at Albany in my time. I never was a member of the Legislature, but I have been an onlooker for a long time. I did think once when I was a young chap like you that that was the height of my ambition, to be a member of the Assembly, and it is a great ambition too. But I saw young men go there, and it was failure after failure. The reason was as a rule that they had no sand in them. They had no moral stamina. They did not know enough when they went up there to go and hire a boarding house about two miles away from the Capitol, and go there every time the Legislature adjourned, night or morning. In place of that they would run out of the Legislature and then run down to the hotel and stand in the lobby like great men, and the rest of the time they would stand at the bar. And they would talk to everybody that came along, and made themselves little. In that way they acquired frivolous habits and bad habits, and they came down home transformed. You know what I mean. Every time I go to Albany or to Washington I cannot help looking at the people around, not only some of the legislators, but the people who come there. Did you ever see such a lot of gabby people, and so many sharpers and so many small people. And they look so cagy, did you ever notice? I was over in Washington recently, and that was the one thing I said to the man who was with me, "Let's get away from here. I never saw so many cagy looking people." At the Capitol—even at the White House, in the outer room and especially in the lobby of the hotels—every man a gabby, cagy little fellow. Now you avoid that. Don't do that. Be a self-contained man. Be a studious man.

Why, it is enough to make one shiver to have some of these gabby little people come near you at all, they are so smart. I acknowledge they are smart. They could give us aces and spades, if that be the right term, and beat us in small things. But I think we would have the best of them every time in large things. And that is where you want to stand. Be studious people. Do not give up your studies. Keep reading when you go out of here. If you are studying mathematics, continue the study of it. It is one of the greatest drills for the mind. That has been one of the solaces of my life. I don't mind saying that I like now to take a problem of Euclid and pore over it and do it again, and think I am as smart at it as I was when I was your age, which of course I am not. And the same with your reading. Pick up especially works of the philosophy of history. There was once a great professor here in New York who wrote "The Intellectual Development of Europe," Professor Draper, I think he was a professor here in this University. The book is now somewhat out of date scientifically—I admit that. There are some errors in it. But read books like that. Read Lecky. Read Hallam. Read the book of Emil Reich, "Success Among Nations." Read Green's "History of the English People." And such books as that. And then, of course, other books, like the Bible and Shakespeare, and works of autobiography, like Franklin and Benvenuto Cellini. I ought not to mention Cellini again, because I happened to mention him not long ago, and the book stores here in a few days hadn't a copy left, there were so few people in this city that had ever read him, and yet it is one of the finest autobiographies ever written. Keep up your studious habits, and the identity which you acquire here. You are not doing much more here than learning how to learn. Unless you acquire the studious habit here you might as well go home to-morrow. And do not be under the delusion that you can get to anything great in this world without preparation. It is a false notion with which you boys and young men are sometimes deluded. I do

not know whether any of the professors are here. But you are sometimes deluded by your professors. I have seen it often enough. You are told things that are exaggerations. Do not rely upon your genius. I know you are all geniuses. But nevertheless do not rely on it. It has been said by a man who has sense that genius is two per cent. inspiration and 98 per cent. perspiration. And that is about true. The only genius there is is the genius of getting ready. That is genius. No man ever lived who knew how to get ready better than Cæsar or Napoleon; and yet boys coming out of college think they won their great victories, and did their great things, just by inspiration, by genius. Why, when Napoleon came on the field of battle he knew not only all the troops he had, but he knew where they were. He knew even where every bread wagon was. And he was able to pick them all up and throw them on the enemy because he had them in hand. He had got ready. He tramped around his camps at night in bad weather when his soldiers were asleep. And he went away out sometimes almost alone to reconnoiter the country and he knew every road and every stream and every obstacle. That is genius. Get ready and you are a genius. But if you think you can do it without getting ready you are more fool than genius, I can tell you that. And you cannot do that without keeping up your thoughtfulness and your study. You must do it to succeed. Some of you think you want to be lawyers, I suppose; and you think you will be a great lawyer by being a talkative fellow. Never was a talkative fellow a great lawyer. Not even once. The saying is that no lawyer ever came to fame with a straight back or without a pale face. That tells the whole story. To be great in anything you have to toil terribly, in the language of Sydney Smith. There is no other way to do it. You have got to pay the price; and if you are not willing to pay the price you cannot do it. Some of the people in the rear of the court room think that fellow with an immense diamond in his shirt bosom and with a very loud voice is the greatest lawyer there.

But there is another chap there that they hardly hear, and who maybe looks 'quite insignificant; but the Judge and the jury know that he is the great lawyer. He knows something. The fellow with the big diamond and the big voice is more fit to run a slaughter house. We have such people here in the City of New York, I know that. Some of them are dead and gone, and some of them remain still. But do not imitate them. Take my word for it that the studious man, the equipped man (doctor, lawyer, engineer, business man), he is the man who will come out ahead of everybody else. He knows how to do it, and he is serious too. He does not look at his own figure all the time, nor does he practise before a looking glass to see how nice his gestures are. Yet I have heard professors advise boys going into politics and the law to study gestures and practise before looking glasses, and adjust their hair in a very nice manner, and all such foppery and foolery as that. Why, it amounts to nothing. The man is what amounts to something. Lincoln was a great lawyer—tried great cases—lost great cases—won great cases. You are told, maybe, in the school that he would not take any case unless he knew it was a good one and that he could win it. Don't believe any such nonsense as that. He was a lawyer; and he took good cases and bad cases because it was his duty to do it. What would become of us if nobody would take our case unless it was a good one? Such talk. He was lawyer for the Illinois Central Railroad Company for years, and defended damage suits, cases where poor fellows lost their arms and their legs. Do not allow these things to deceive you at all. Take the world as it is. Then you are told that Webster never lost a case; and Choate never lost a case, and so on. Why, they lost more cases than they won after they were 40 years of age, because people who had hard cases came to them with them. It is not the test of a lawyer whether he wins his case. The test is what equipment he brings into it, and how he conducts it. That is the test. And have no exaggerated notion, you young

politicians and lawyers (the two things go together very largely), have no exaggerated notion about eloquence and oratory. Don't let them fool you about that either. I suppose you have all read by this time that it is said that Demosthenes when asked the first great requisite of oratory said "Action," and then asked for the second great requisite, again said "Action," and the third time he repeated "Action." What kind of an orator would he be that was all action and nothing else? What nonsense when you come to analyze these things. Some of the greatest orators that ever lived stood still with their hands on the table or in their pockets. In place of action being the great requisite even once, let alone three times, the first requisite of all is a man with a purpose—an honest man, with an honest purpose—that is the first requisite; and not some fellow who cannot keep his hands still. The next requisite is to have something to say, a message to deliver. And the third requisite, and the least of all, is the manner of saying it, and what gestures you will make while saying it. Now, there is the orator. You may easily learn from history that the greatest orators, or many of them, were only fair speakers, and many of them poor speakers. Some of them stuttered even. Lord Bacon says Moses stuttered. I don't know how he found it out. If the man is there, and the matter is there, he will make himself understood somehow. And of course it is well that he is able to make himself fairly understood by the use of words. But he will make himself understood. And that is the orator. The greatest orator who survives in the English tongue is Burke, who emptied the House of Commons when he got up to speak. The House of Commons may have preferred to go out to the restaurant for tea, if that be what they drank there, but the world listened to what he had to say. And he was a great orator. So have no false notions about that. Don't be a little blatherskite. There is an immeasurable distance between a blatherskite and an orator. Do not confound eloquence or oratory with rhetoric. I have heard rhetoricians that

could talk from the beginning of the week to the end in the most beautiful manner, but they were not orators. They made no slips of grammar. Their words were beautiful. But they were mere words. I have seen great feats of rhetoric, and I have heard great orators. I have heard great orators that some people would not listen to. The greatest feat of the human voice or of great rhetoric that I ever heard was at Chicago at the Convention that nominated Grover Cleveland the last time, I think. It was held in a great big place called a wigwam, covering a block or two. Why, nobody could be heard. Orators came up all day from noon till midnight to the platform from all parts of the country, who were rated great orators in their locality; but they could not even be heard in that vast place. I did not believe there was a man in the world that could be heard there. I had read in books of men speaking to 30,000 people in the open air and being heard, but I did not believe it, and I do not believe it now, to tell the truth. And I did not believe there was a person in the world that could be heard in this hall of the convention. And yet about one o'clock in the morning when everybody had been yelling and everybody had been tired out, and every orator in the country had tried to be heard, I saw a man who was sitting right in front of me get up and go down the aisle and jump up on the reporters' table, and then up on the stage and lean back against a table on the stage preparatory to speaking. And it was nothing but confusion and noise. And in a few minutes, I mean a few moments, a few seconds, you could hear a pin drop all over this vast place. I could hear nothing but the breathing of people around me. The breath of people was quickened as this man proceeded. And he only leaned back against the table as if to say "I do not care one cent whether you listen to me or not; I am going to talk for a while." And he did talk for half an hour or more in absolute silence—the first silence that was heard in that convention, and the last. He was from New York. But I confess when he got through I could not re-

member a thing that he had said except one, and that was that Grover Cleveland was the most popular man in the United States on every day in the year except election day. To this hour I do not remember another thing that he said. But he was a great rhetorician. I do not say he was a blatherskite. I leave you to judge of that. That was a great feat of the human voice. But what he said had no wings. It has not come down to you; let alone is it going down to after generations. The man after all who wins in the long run is the man of a sincere and honest purpose. He may be a poor speaker. He may stutter, or have some impediment, or have difficulty in collecting his thoughts. But he will be ahead at the end of the race; I will bet any money on that; unless it is some little miserable little twenty-yard race, or something like that. I am speaking now of a race where wind tells. Some of you may think I am jocose, but I am not. I mean every word of it. I have observed all these things in the course of my life. I have seen great statesmen, great speakers, great rhetoricians, and a few orators. But I am telling you that the man who at your age learns to be self-contained, who has no desire to be a gabby fellow, no desire even to be a rhetorician, but a great desire to do something, will beat them all in the end. You can rely upon that. So that is what you are here in this college for. Now you see what you get by Trimble asking me to tell you how to enter politics. Why, if you think you want to enter politics to dazzle people you won't dazzle them at all. They will say, what a miserable little fellow he is. But if they see that you are a man who has some high thoughts, who is self-contained, who is not consumed in airing himself all the time, then they will have confidence in you. And remember, my young friends, that silence has a wonderful power. I have to go out and speak at night so much now that I have almost forgotten it. There is a little book written about the power of silence, which is worth reading. Have no desire in entering politics, or entering any profession or occupation, to talk merely to



talk. Do not talk unless you have something to say. If you have got something to say you have a right to talk, but if you only want to listen to the sound of your own voice like some people who come in the Board of Estimate downtown, why, I would say to you Don't. Simply be self-contained enough not to put yourself forward until you have got something to say, and then you will have people to listen to you.

Now the next thing that Mr. Trimble said in his letter was for me to mention some things that you have to encounter now in the field of politics. Well, there are many things. The last Presidential campaign opened up many things. I cannot say that that campaign opened them up. They were rife already, but it is for us to broaden out to meet them squarely and fairly. If you are going into politics you have got to meet the growing situation from year to year. My advice to you is not to be too conservative. But of all things do not be too radical either. The human race is like an infant learning to walk. It can only learn to toddle and to walk just so much. And if you in your great zeal run ahead shouting your theories you will find yourself alone after you have gone a little distance. Lincoln always said that he was not a leader at all—that he only tried to keep up with the people, and I think that was so. There have been events in the world where the theorists and people of large ideas got ahead of their time. That was the trouble with Jesus, and he lost his life through it. He went farther than they would follow. His motives were not merely religious, but political and economic, as you see in reading the Gospels. He went further than the times would go with him. The French Revolution leaped forward a hundred years. They changed the calendar. They changed everything. They changed the weights and measures, which is a curious study in itself. They did many great things, but they went further than the people would follow, and the result was that it all doubled back on itself, and they had to go back to the front ranks of the people and resume the step

by step method. To give a familiar illustration, when they established their weights and measures they used Greek terms. But, dear me, the people had been using their hand and their foot and common terms for weights and measures, and they simply would not accept the Greek nomenclature that they tried to impose on them. I only mention that as an illustration of the whole thing. And it is only now in France that the French people are giving up the idea of the yard and the foot and the hands and so forth as standards of measure. So that while you must not be too conservative you must not be too radical. We have among us now in this country people calling themselves radicals who think it is radicalism to pull everything up by the roots. It is radical to go to the root of matters, but to go to pulling everything up by the roots until you have something else to plant instead is the height of folly. The column in this room here may be rotten, but to go and pull it down would be only to pull the whole roof down on top of you. The way to do it is to prepare a better column and have it ready and jack up the roof and take the old column out and put the new one in. It is the same in government and in politics. You have to proceed in just that way. Do not be under the delusion that you can do it in any other way. It is not possible. You should proceed patiently. No matter how advanced your ideas are and what great projects you have in mind you must always remember that to carry them out you have to begin at the point where you stand, and go step by step up to them and do them just as you would do if you were a carpenter in fashioning something out of a plank or a board; or if you were a blacksmith making a horseshoe, you could not make a horseshoe by snapping a finger, nor can you do anything else in this world in that way. You have to do it by degrees and in an orderly manner. So that is one lesson you will have to learn in politics. It is better that you learn it here than afterwards. It is better that you start out that way than to run half your career only to find that you have got to come back and

begin over again that way. Every little while some miserable demagogue comes along. Sometimes he is a rich fellow, maybe sometimes he is poor. If he is an 80 million dollar demagogue he is the worst kind of a demagogue, I assure you, and he will get people to run after him and will tell them not how it should be done, but that he will do it. People do not stop to think how he will do it. Why, he can only do things through law and through the machinery of government. If you need new laws you have to pass new laws. And we very often think (and that is one of the falsest notions in politics) that we can cure ills by passing laws. Not so. The distance between the passing of a law and its observance is often immeasurable. No law is worth anything unless it is backed up by the community. And even then you have hard work to get it enforced. The Ten Commandments are not too well observed so far, are they? And yet they are backed up by the community and by all the preachers. Good men in office will produce good government even with bad laws, but bad men in office will not produce good government with the best of laws. Remember that, too. So that the making of laws is not everything. There are some people who have an itch to change the law all the time and make a new law. They think that will do the whole thing. There is something the matter in the Police Department. Forthwith they want a new law; when it is not law at all that is wanted, but unceasing work for years maybe to bring about the remedy. Mr. Waldo has spoken of the Police Department. It is a fair example. Committees are sitting and advising Albany what laws to pass because there are a few corrupt policemen. Why, you cannot stop a grafter by passing a law. You have got to catch him or stop him in advance. There is no other way. There is a committee down from the Legislature taking the views of people on the same subject, and everybody who thinks he has a view is very eager to come forward to give it; and I might say those who haven't any views at all are eager to come forward and air themselves.

And yet, What is the trouble? Why, it all comes down to a simple thing in the Police Department. We have been fighting it ever since Waldo came in and before. When I became Mayor the Commissioner that preceded him entered upon it and we have been at it ever since. For a long time there have been some corrupt police in the city. A few years ago there were many. There were heads of police who were going out millionaires, one after the other. I do not think anybody is becoming a millionaire under Waldo. I have not heard of it. I doubt it. Things are much better now than they ever were before. Mr. Waldo spoke of the fixed posts and the police out on duty all over the city night and day, and what he does to keep them there. Why, you people over here (some live maybe in Brooklyn, where there are nearly two millions of people, or in Queens, or maybe in Richmond, or in the Bronx), is there any graft of the police there? If there be any it is an isolated case of somebody getting a dollar or two. There is no one there to tempt them. You can find them all over this great city night and day doing their duty like clockwork, ready for any emergency, or to answer any call. They are not even tempted. But here in Manhattan, which some people think is the city, there are two or three districts where all the gamblers and all the harlots and all the corrupt people congregate, and want to do illegal things, and in these two or three districts they are constantly bribing the police. And yet from all this hue and cry you would think that that was general all over this city. Why, it is only local in two or three places, and there we have almost done away with it. And look at recent events. You would think, I say, that this corruption was general. Why, all that has been revealed that happened since I am Mayor was revealed by the enforcement of the law by Mr. Waldo, and Mr. Cropsey his predecessor. All the indictments and prosecutions have grown out of two cases. First was the case of Rosenthal, who was murdered. Well, what is his case? Why, during Mr. Cropsey's administration and Mr.

Waldo's he opened twelve gambling places, one after the other. He had been a gambler all his life. And those twelve places were taken possession of by the police one after the other, under the law of nuisance, on which basis I put the police after I became Mayor. The folly of going up and arresting a man in a gambling house and soberly coming down with him, when the roulette wheel begins to start before you get to the street! It is inconceivable that any one would indulge in such folly. The way we do is, when we take places like that, to take possession of them and hold them until they are vacated, and that you young lawyers will find is perfectly legal. They are a public nuisance. Houses where gamblers and bad people resort are public nuisances, and even citizens can go and take possession of them. But the police are hired for that purpose, and that is the way we do it. And Rosenthal's twelve places were closed one after the other, and the twelfth place was in the hands of the police for three weeks the night he was shot. They were in possession night and day. And when his twelfth place was taken away from him he then revealed the fact that a lieutenant of police guaranteed him for that twelfth place that if he gave him a certain amount of money a week the place would have immunity. But did it get immunity? No, not at all. That lieutenant of police could not give him immunity. The whole thing was in the hands of the Commissioner under the squad which was organized for that purpose, and he sent the squad with the warrant which had been obtained, and took possession of the place; and that led to all these revelations, forced by the police department itself. And yet you would think that somebody else did all that. And we furnished all the witnesses, every witness, that convicted all these people, every one of them. The lieutenant of police was convicted, and yet you would think that the police department was engaged in trying to shield everybody in place of stopping them. That is politics. Do not go into that sort of politics. Be a man first and a politician second,

and you will come out better in the long run. The other case from which the revelations came was the case of Sipp. He kept another kind of house—a horrible house—I would not describe it even among men. And when the police took possession of this house and held it, then he began to reveal that he paid a patrolman or somebody money, and these later indictments have all come out of that. After revealing something he ran away, and we had him brought back; and really we were denounced for bringing him back. Such is the state of the times in which we tried to do our duty. Committees have been going on taking evidence of things which happened under Theodore Roosevelt when he was Commissioner, and since, and the headlines of the newspapers, and even the matter (after cutting all the dates out), would indicate that they were happening now. That is the way things are done. I branched off into that as a mere illustration. But to come back to things that you will have to encounter and solve, take this great question between capital and labor which is now on the eve of solution. You will have to decide the employer's liability. You will have to decide on the laws to pension employees who are hurt and maimed and also those who are too old to work. The City of New York does it now. We do it in our street cleaning department, and in other departments. And we now have a general law for the pensioning of people after a certain age and with certain infirmities by the city. I do not mention the police one, because that is rather different. But the city is setting the example in this matter. Why should not the manufactories of the country do likewise? Do you know any reason? Do you know why a man who has lost his leg or his arm in the industrial pursuits of the State should be turned out to beg? I confess I do not know a single reason. In Europe it is not so. All over Europe—in Prussia as early as 1847—these pension laws have been passed and have been in force ever since. We lag behind the whole world in these matters. But oh, you say, How could that be done? That would tax the manu-

facturer to death. Why, the tax would be so small that they would not know that they were paying it. They are paying more now to the indemnity companies to indemnify them against accidents than they would pay under such a tax, I think. I certainly think they are paying as much. Nor does it fall on the manufacturer. He pays it in the first instance, to be sure, but it enters into the cost of his product, and he gets it back when he sells his product. If a wheel flies off an engine or a machine is broken, he has to pay for that, doesn't he? And it enters into the cost of manufacture. If a man's leg is broken or ripped off why should not that also be paid for on the same principle and enter into the cost of manufacture. For a familiar illustration, you all buy hats. Why, the extra price of a hat under such a system would be so slight that you would not know you were paying it. That is the way it works out. The manufacturer pays it. In some countries it is a tax on wages simply, but the manufacturer generally pays the tax on wages, the tax on the pay roll, and that goes into the state fund, and all these people are provided for. When they become superannuated and unable to work any more they do not have to go to the poor house. If we send them to the poor house we have to take care of them, don't we? Why not then take care of them in some decent manner, these maimed and crippled workers, when they are no longer able to work? By what reason will any one longer deny them the natural right to be supported by the community whom they serve? The community would not feel it. It would be for the benefit of the whole community. It simply enters into the price of all manufactured articles. This matter was discussed somewhat in the late campaign. The Progressive Party brought it forward more than the other two parties. It is a thing some of us have been talking about for a long time. Then there are other things especially that you young lawyers should begin to think of. We have now the courts declaring acts of the Legislature void which we passed to bring about these economic things. Now

I will give you a few illustrations in this state, passing over them rapidly. The first one I will pick out is the tobacco-tenement house case in this city. The Legislature passed a law that tobacco should not be manufactured in tenement houses in this city. They passed it as a health measure. Good people who go around among the poor saw the evils of having tobacco in small tenements poisoning the children and women, and making disagreeable odors, had it passed. But our courts declared it void. The ground they put it on was that it was taking away from this tenant in this flat his liberty and his property. It was taking away from him the liberty to do as he liked in his own house and taking away his property, inasmuch as it took away one of the uses of his leasehold. Now just think of that. Why, if there is any principle of law that we know it is that a man cannot use his property as he likes. He has to use it so as not to injure the community. I would not like to let people with automobiles use them as they like, nor people with tenement houses either. That is all subject to regulation. This comes under what we call the police law—health laws—laws for the benefit of the community. But they said it took away his liberty and his property, and Magna Charta says you shall not take away liberty or property except by due process of law. I wonder if King John or any of the barons thought that meant liberty to poison children in a tenement house with the fumes of tobacco. Why, in that time they took it literally. Liberty—a man should not be arrested, locked up, by the King, or that his property should not be taken by the King as he marched through the country for military purposes or anything else. The next thing was the bake-oven case. A law was passed that they should not work in these bake-ovens more than ten hours a day. You happen to know that it is night work as a rule and in an awfully hot place. So the Legislature thought it well in order that we might have healthy bread that they should not work there and injure their health any longer than ten hours a day, and that was de-



clared void on the ground that it took away from the baker his liberty, namely, his liberty to work the whole 24 hours if he wanted to. The other one was the law forbidding women to be employed in factories between 9 o'clock at night and 5 in the morning. It is almost preposterous to talk about it, nine at night to five in the morning for women to work in factories. But they declared that void on the ground that it deprived her of her liberty to work all night if she saw fit; whereas it was a health law, a law to safeguard the women in their health, and thereby have healthy children and a healthy race. The next one was the Employers' Liability law, which I have already spoken about; and that was declared void on the same ground, that it took the property of the manufacturer without due process of law. Magna Charta was brought in again and the Constitution of the State. Why, it didn't take his property at all. As I have already told you, if he paid the tax it went into the cost of manufacture, and he got it back in the price of the articles. They are passing one in the Congress now, and no doubt the Supreme Court of the United States will declare it valid. The two other cases that I have mentioned to you are the ones with regard to the employment of minors. That statute forbade children under 14 years of age being employed in factories. It simply forbade them being employed at all, and made a severe penalty for employing them. And yet when the cases came up in court the courts said, Yes, the employers are forbidden to employ them. Nevertheless, the child cannot recover if he was negligent, if he got too near the machine, if he put his hand into it, if he fell into it. I tried a case myself when a judge where the boy went up on a ladder and fell down into the machine, and on appeal they said he had no business up on the ladder, and he would not have been hurt if he had stayed where he was put—just as though the law did not mean what it said, that it forbade him to be there at all, and to allow him to be there at all was what caused the accident. The other law was requiring all machines to be guarded or

muzzled. The law prescribed that they must be muzzled by the manufacturer, and yet when a man was hurt by getting into an unmuzzled cogwheel, they said by working there and seeing it was unmuzzled he took the risk, and therefore he could not recover. Took the risk? Why, what could he do. He had to live. The manufacturers could all leave them off, and everybody would have to work and take the risk. And yet there is a statute requiring that all these machines be muzzled. Now you young men have to meet all these economic and industrial things, and I mention a few of them to you to-night. I have just skimmed over it. I just want to open up your minds to things that confront you, and that are now on the eve of solution. Fifteen years from now they will all be solved, not by me, and those who live with me, but by you young men. That I am absolutely certain of. Just as soon as you get these things in your minds you will solve them.

Now the last thing in Mr. Trimble's letter was "The chief obstacle to good government in the city." The chief obstacle, gentlemen, is a corrupt press. There is nothing that confronts the American people in some parts of this country which requires a remedy more than the license of the press. Those put in office by you have got to submit to abuse day after day, year after year, however honest or however they are striving to do their duty. Falsehood, lying and abuse day after day. If you say anything about them, why, they are awfully thin skinned, you know. They feel it right off. I do not say that the entire press here are that way, but we certainly have some that are that way; some in the hands of demagogues and scamps—you can call them nothing else. For instance, we have had the subways under way here ever since I came in as Mayor. We took the matter up with the resolve to solve it and to solve it in the best way we possibly could. My associates are honest, intelligent men. They had no purpose in the world except to do this thing right. And yet we had no sooner entered upon it than certain newspapers here laid down the manner in which we should do

it, and because we didn't see it our duty to do it in the way they told us we must do it, why, for two long years we have had to endure the abuse of these scoundrels. I do not hesitate to say that they are scoundrels. That does not include all the newspaper proprietors here by any means, but you know whom it includes, unless you don't read these filthy papers at all. We held conferences in which this great matter was discussed from day to day, but we would leave the City Hall only to see these newspapers held up by the newsboys with the great headlines: "The Subway Steal," and the "Subway Deal," and the "Subway Job," and the city being sold out to Tom Ryan, who has no more to do with it than the man in the moon by the way. The city being "turned over to Morgan & Company." The city "being looted by Belmont," and so on, who by the way also has not the slightest thing to do with the matter. And it has gone on for two years in just that sort of way. One of the largest things in the whole world is this subway business, in point of engineering, in point of legal difficulties and financial difficulties. It is the most difficult problem on the face of the earth. And we have been working away on that, only to endure this abuse from day to day. Two days ago we had the final hearing in the Board of Estimate and the room was filled by respectable people. But five poor people, against whom I desire to say nothing—maybe they were mental defectives—passed before us comparing us to Boss Tweed, and warning us that this robbery should not go on, and, in the language of one of them, that this rotten contract should not be permitted, and that we were a band of thieves as one of them said. To all of which we listened in patience because it was as nothing compared to what these vile scoundrels who own these newspapers had said of us for two years continuously. Why, they provoke these people to do it. They provoke people to physically assassinate you, let alone assassinating your character. Roosevelt was assassinated in the last campaign by these scoundrelly people. They provoked it. The fellow

pulled their editorials out of his pocket to show why he was doing it. The moral assassin is worse than the physical assassin, especially these poor mentally deficient people who read these things and take them seriously. Now I mention this thing for the sake of my associates. I have now been a long time in public matters. I entered political matters when I was a young fellow, about the age of some of you now in this room, and I have been at it nearly ever since in one way and another. For many years on the outside. I had no desire to hold office at all. I enjoyed the work on the outside. And I have got to that point where nothing said about me affects me much. Nothing that could happen to me would affect me much. I think I would be satisfied under most any circumstances. I think we all ought to feel that way, especially if you are going into political life, young men. Take things as they come. Whatever God's will may be of me, I am content. Just say that over and over to yourselves if you are going into public life, because you will have much to endure, because you will have, I suppose, newspapers of that kind still left maybe when you begin your careers, and they will tell you what to do and if you don't do it they will try to blackmail you into doing it. They will try to coerce you into doing it. If you don't do it they will abuse you. Worse than that, scoundrels will come to you with articles written up about you and ask you to read them and say they have some intention of publishing them in such and such a paper. All these things are resorted to. And some of them say (the thing happened to me when I was a younger man than I am now with regard to a paper here in this city), how much is it worth to you not to publish it in that paper. I wrote a letter to the proprietor of that paper but never got a word back from him. He was probably no better than the fellow who offered me the article. You will encounter all these things, but you will have to stand up against them. There is nobody on this earth more despicable than the man who comes into public office and gives way to newspaper dictation. That is not

government. The same may be said of a man who gives way to clamor of any kind, especially if it is newspaper clamor or created by newspapers. Why, they have the effrontery to lay down what you must do, but under your official oath you think another course is the preferable one, and then you have got to be called a thief. Your children in school and in colleges like this, and your daughters in boarding school, will have to see these things in the papers about you, and be twitted about it. It is a condition that you young men coming into public life will have to confront and do away with. Men are staying out of public life on account of it, and men who are in public life, sooner than to be the victims of these scoundrels and have their daughters in school and their sons and their wives mortified day after day, are willing to get out. And it is so in several parts of this country, and it is time that it was stopped. And I will say to you young men that that also is a mission that you have. You can do a great deal now in your own way in that respect. It is an awful thing. Why, my associates are as incapable of stealing as any man on this earth, or of doing a wrong thing. And yet it is a steal and a deal and a job, and the turning of the city over to private interests, and so on, without a word of truth. The matter is done entirely for the interest of the city. I suppose you young men all know what the subway contract is. I will just tell you in three words in closing. We have a subway here now. It was built entirely by the money of this city. No man put a dollar into it, except the city. And when we came to extend the subways the question was whether we would build an independent system or whether we should extend this present subway so as to have a single 5 cent fare all over the city. If we built an independent system here there would be two roads and two fares, and to transfer here and there you would have to pay an additional 5 cents. In looking the whole field over we saw the right thing to do was to extend our present system and we went about to do that. The city lacked funds to do all

that. But the city has to build it. And the city owns it as soon as it is built. The city has absolute ownership of the subways. But it does not operate them. We lease them out for operation. And not having money enough, or credit enough to do this gigantic work, which takes nearly \$325,000,000, the operating companies said that they would advance to the city what the city lacked, and we were only too glad to do it. The city can only borrow up to 10 per cent. of its real estate valuations, and that limit is almost reached. It would take us 25 years to complete the work of building, but the operating companies said we will put in part of the money. And then these newspapers said that on that account they were going to own the roads. Why, under the statute they cannot build or own them. But they can advance the money to the city to build, and the city is glad to get it because the city is short of funds to do it. And they put the equipment in entirely. And yet some people are calling on the city not only to build but to equip and to operate when we have not half money enough to build, let alone equip. These companies put their money in. But does the city obligate itself to pay them back? Not one dollar. We refused. We said to them, if you put this money in you must depend on the earnings of the roads to get it back. You must depend on the earnings of the roads for every dollar of interest and sinking fund. The city will agree to pay nothing whatever. And that is the way the thing is. Out of the earnings they are paid the interest and sinking fund, and in the same way the city is paid interest and sinking fund on its money, the part it puts in. And all over that is divided equally between the contracting companies and the city. Now that is the whole contract. And yet maybe some of you think that the subways are to be built and owned by these companies. Why, they have to turn their checks over to the city month by month to build. Look at the papers and see the city advertising for contracts to build. We are building one in Broadway already. And it is going on, and also those in the Bronx and in

Queens. The city advertises and gives out the contracts and builds them. The companies which operate them said to the city, we will put up what you lack, so as to have them built speedily and be ready for operation. They have to rely on the earnings for the interest, sinking fund and principal—the sinking fund of course pays the principal in about 40 years, you can figure that up for yourselves. And yet look at the vile abuse, the charges of thievery and jobbery and dishonesty that my associates have had to endure. And some of them young men. Some of them not so much older than some of you here, starting out in life with such abuse. You think probably that we should hire lawyers to bring libel suits every day. Well there are none of us who can afford that. When some 80 millionaire scamp owns a newspaper he can hire lawyers by the dozen or by the score, but you cannot; you have not got the funds. And I have not seen any great eagerness on the part of the citizens of this city to come forward to make up a fund to enable us to do so so far. They look on. And yet I am perfectly satisfied that we have the good will of the community. And that they understand that we have done right and done the honest thing. Now you are going into politics, some of you, and you will have to prepare yourself for all these things. You will have to be men of iron. If you have a weak heart you will be dead in a short time. If you are nervous they will kill you sure. Some people have to go to bed over these things. But after a while we grow used to it. I cannot say we grow used to it, that would be going too far. If a man was a bachelor with nobody dependent on him he might grow used to it, but a man with a wife and sons and daughters, I do not think he can ever grow used to it, because he has to think of them.

Now, young men, I wish you well. I have said more than I intended to say to you, but if you start out as I said to you in the beginning, with settled habits, with studious habits, and with a purpose and with a resolve to be steady workers and persevere, you can be just as sure

as you are here that you will come out all right in the end and that the end won't be very far off either.

### Conditions in New York

(Remarks at the East Side Club, New York City, November 12, 1912.)

Mr. Chairman and Gentlemen of the East Side Club: I certainly hope, more than that, I know from the temper of you, that you will do much good in this part of the city. This programme of having city officials come here and explain the working of their departments is capital. I suppose that is why you called me first to start it. So keep it up. I will not say much about my own department and about myself. There are other people saying enough about me without my saying anything. Maybe I would make it worse than they do if I went into it. The card here says the club is appointed to aid in securing permanent good government for the city of New York through the election and appointment of honest public officers. That expresses the whole thing. And Mr. Lustgarten says it is made up of both parties. That is a slip of the tongue. He ought to say all parties, because we all know that there are now three big ones. And I understand also that a good many others are loose, especially down in this part of the city. That means I suppose that on election day you will not vote as mere machines, that you will not vote as the mere automaton of any party or any party leader but as you think you ought to vote. I must confess it has always been astonishing to me that in local government people are so reluctant to vote otherwise than according to their national party and national politics. Now I would like to know what national politics have to do with local affairs anywhere in this country much less in the city of New York. And yet I hear men all the time saying, "Why, I didn't vote the Republican ticket, or the Democratic ticket, at the last municipal election, because it was



not my party." And some of them go further and say, "My grandfather was a Republican or a Democrat, and my father was, and I am, and I always will be." What a howling wilderness is in the head of such people as that, especially when they apply it to local affairs. How does any man know that in national affairs he will remain in the same party till he dies? Only a man that knows nothing says any such thing as that. We have a Bull Moose party now, made up in six months or less, and half of those who are in it never dreamed of being in it, I suppose, until the election was coming on. So that your non-partisanship to be effective has to be intelligent. Why, in national politics a man that is a Republican has to stand up to his principles on election day; and the man who is a Democrat has to stand up like a man to his. But when a local election comes around, why on earth should he vote according to his national politics? No reason when you vote for an alderman or a mayor or any other local officer who has simply local duties to perform and has nothing to do with national politics whatever. So we ought to have national politics standing alone; state politics standing alone; local politics standing alone, absolutely alone. And for that reason in 1894 the constitution of this state enacted that all local elections should be in years when there was no national election, and the Legislature last year passed a law separating the state ballot from the national ballot in order to give the people a chance to vote independently. I do not know how they came to do that, but they did it. Some of them were bemoaning it after they did it, and I believe they did a good job without knowing it. And they had better leave it alone. People knew how to vote anyhow, and they vote as they liked anyhow. Mr. Lustgarten has spoken of the talk in past years about the East Side. Every infamy and every crime was attributed to this locality in the city. I do not want to take anything to myself, but I believe I stood up against it from the start. I said before I ran for office and I have said it often since that the people down here were just as intelligent

and just as moral, and maybe a little more so, as in some other parts of the city where the people think they are a great deal better. But there was such a patronizing air about things down here. People came slumming and peeking in your windows, seeing how you lived and what you ate, and so on; called to see what your wife was doing; and she knew her business maybe better than they did. Their more fit place probably would have been to stay home and take care of their own house. You know, I suppose, that there is crime everywhere. There is immorality everywhere. And vice everywhere. But there are certain preachers and others in this town whose head when you mention vice is filled with only one thing, one nasty vice. How their head is so filled with it I don't know. There certainly must be some reason for it. When I say vice I include all the vices, and I do not forget bearing false witness against your neighbor either, or lying about public officials. I include them all. But the proportion of vice down here is not greater than elsewhere. The statistics show that. You have a great population here. Your chairman said one million people live down here. I hadn't thought it so large as that. That is an awful congestion of people. The tendency of people seems to be to get together, to get their heads as close together as they can, and then complain of congestion. If all the people on this globe were brought here to the city and stood up on their feet, each one would have two square feet, I believe. All the people of this earth could stand up in the city of New York, and have I think two square feet to shuffle around in. And all the people of this earth could be brought down into Texas and get three acres each. So you see there are not so many people on this earth compared with the space of this earth after all. Why they all want to get down here on the East Side is more than I can understand. It must be a pretty good place. And crime is incident to a community like this as to all others. There is crime out in the country. There is immorality in the country. There is theft in the country. I live in the country half

the year, so I can talk by the book; and I was brought up also in the country. So that the saying that we often hear that God made the city, but the devil made the small town, has some truth in it. You have had down here lately a cropping out of crime that has attracted the attention of everybody, and in my judgment altogether too much has been made of it. A handful of criminals get together and do a murder. Why that happens all over the world. One member of the police force out of ten thousand was found to be in with these criminals and taking graft from them, and making money out of the community with them; and the murder was the result. And you would think to hear some people talk, and you would think from reading some of our dirty low-lived newspapers that not only was this section here of the city, but the whole city reeking with vice and crime; whereas the contrary is the case. The alderman of old London who is to be the next Lord Mayor was in to see me not long ago, and he said the thing that attracted him most of all in this city—and he walked all over it out of curiosity night and day—was the absolute outward propriety of the streets everywhere that he went in all sections of the city. He said he never in his life, and he had travelled all over Europe, had seen so few evil women in the street, so few drunken people, so few disorderly people. He said it was the most orderly city that he ever saw in the streets and outwardly. Why, I told him we all knew that. But he probably had been reading some of our dirty newspapers who are always defiling this city. Now the mere fact that a lieutenant of police went wrong astonished me none. Why it did not start the circulation in my blood. I would not have been surprised if some of the top people in the police force had been caught at it, but it was a lieutenant. There was nothing extraordinary at all. And yet this city has been belied all over the earth as having a police force made up entirely of grafters, clubbers, and disorderly characters of all kinds. Well I have done what I could to stop that sort of thing in all the departments, and especially in the police depart-

ment; and I believe I have done more in the police department than in any other. I was told here to-night that the police in this section of the city are very different from what they were a few years ago. I was told that they mind their own business and do not meddle with orderly people. I was told that they no longer smash into places and intrude into places and thereby collect graft out of people who do not want to have their doors smashed in. And I was glad to hear it. Some of the people did not know what I was driving at.

I am sorry to say that some clergymen when I have said that this city must first of all have outward order and decency preserved, hold me up as upholding all secret crime and indecency. Rabbi Wise you know gives me a whack now and then. He is a charitable man. He is a preacher of God. And he ought to know what charity is. I have heard him speak. I do not wish to say anything against him. But I have all my life distrusted rhetoricians. People who have got tongues like his I do not take much stock in. They talk so much that their mouths get around on the sides of their faces. And so with others. They think nothing of saying the most cruel things about a public official, cruel things and mean things. But do they ever come in to help? No, never. They have never extended their hand to me and said "I will help you." Not a bit.

They think that the police ought to go around clubbing everybody and doing as they see fit, but I disagree with that. I tried to reduce the police force to order. I have tried to cut it off from all graft. I know that I have succeeded at least two-thirds, and I think I will succeed three thirds before I get through. But to have to do things against the ill will of people that ought to help you is a painful thing. Some clergyman named Carson the other night made a terrible philippic against me, literally flayed me alive, held me up as a vicious man and all that. I do not know what my neighbors who have seen me coming and going out for twenty-five years, think when they read such

stuff from such people, not to mention what is printed in the newspapers. But I am here yet, and I am pretty well off and have some respect, as I perceive, and maybe I stand it better than they do. Maybe they are going down while they are talking and maybe their talk is really lifting me up a little. At all events I have no ill will against any of them.

I have tried to give a good honest government to the city and I am satisfied with that. I have tried to rule the city on high ground. I have not allowed the city government in any branch, as every head of department will testify to you, to be controlled or influenced by anybody on the outside. No politicians or boss or organization has any control whatever over this government, whether it be the Tenement House Department, the Dock Department, the Charities Department, or any other part of the city government. Now that means that I must get whacked a good deal. When I read on the card that your object is to promote good city government I was saying to myself: "After all isn't a man in office as Mayor here in a more comfortable position if he is the mere exponent of some political party. Wouldn't it be easier for me to sit at the City Hall and turn the government pretty well over to Sam Koenig, or somebody else, and go on my way each day and when anything happened I have at least a big party to back me up and fight with me."

Now, it seems when anything happens I have nobody to stand up with me, except the people in general, and very often they are too busy to bother their heads very much with it. The malignant ones seize hold of anything that happens. More than that, they go around and dig pitfalls for me to step into, and in that way my road is much harder and rougher than it would be if I had some solid party back of me. I admit that. There is no doubt about it whatever. My course would be much easier if I reposed on some party and when I wanted to appoint a tenement house commissioner I could send word up to the leader of that party to send me down a tenement house

commissioner and when I wanted a police commissioner I could do the same thing, and then if anything happened in the tenement house or the police departments I would have a party to stand up and fight with me. So there is something to have a party back of you, but I must say that would prostitute government in a way that I could not countenance. So when I was nominated for Mayor I was asked no questions. It was perfectly well known what my ideas were on that subject, and after I became Mayor, well, people made suggestions to me and I made the appointments all my own and selected them all, and those who didn't get what they wanted said, "Well you are Mayor and you must do what you think best." So I have had no growl, no quarrel with anybody. I must say they have all been reasonable with me. I must say that. If they didn't get what they wanted they certainly have been reasonable and handsome toward me. I never will say otherwise than that.

Now, the order of this community down here is never illustrated better than on Election Day. There was one candidate for Governor this year who was very apprehensive that this whole East Side was going to reek with corruption on Election Day. He sent people to me to beg me to put police in every poll down here, and extra police all through here, and if I didn't do it they said there was going to be the greatest rioting and illegal voting down here that was ever known. I told them I didn't believe it. I also received a letter from Dr. Ratner whom I do not know, and he gave it to me pretty hard, and he published his letter, and he said I ought to put police in every poll to put out everybody who had no right to vote. I wrote him that the police had no right to decide who should vote and who should not, that we elected election officers and the law clothed them with the power of conducting the elections, and that the police had no power to say to any man "You cannot vote." I told them they did that sort of thing in Russia and in Mexico. I did not know then that he was a Russian himself or I would not have used

that word. But it seemed that I hit the nail right on the head. He wanted me to do what he had seen done in Russia, I suppose; put the soldiers and the police right in the polls and when a man that was going to vote the wrong way came along to throw him out in the street. That was done in the city of New York for a long time. And it was terrible that I would not allow the police to go in the polling places. I made them stand out in the street where they belong, and the strange thing is that they did not find out until this year that I did that. Every election that has occurred in New York since I have been Mayor has been conducted in the same way. I had the order issued that the police should stay out on the sidewalk and walk up and down in a 100 foot space in front of the polls. If the election officers wanted anybody arrested the law gives them the power to arrest them on the spot. Then all they have to do is to call this policeman and say, "Take this man to a magistrate." But to put policemen in polling places was never known in this world until it was done here.

Every man is a sovereign on Election Day. He doesn't want to rub up against brass buttons at the door when he goes in to vote. The law does not permit anybody to interfere with him from the time he leaves his house until after he comes out of the polling place. Do you know that? And yet I have seen election officers in this city issue the day before Election threats that they were going to arrest 10,000 people in the polls and that 10,000 warrants were out. The law makes the smallest threat a crime. A threat to deter people from going to the polls. Every man has a right to come to the polls. He may be challenged. If he is challenged what saith the law? An oath is put before him and read to him. If he takes that oath no power on this earth can stop him from voting. That is what that oath is for; in the language that we ordinarily use, he swears his vote in. No policeman, no election officer, no one from the President of the United States down to the humblest policeman can

interfere with that man if he will take that oath. Well, you say in that way some people will vote fraudulently. Yes, a few will. But in the other way it will grow until thousands are thrown out of the polls and not allowed to vote. So the laws says of two evils we will take the lesser evil. It is so hard to get that into the heads of people from Russia like Dr. Ratner. And I am sorry to say it is hard to get it into the heads of some Americans too. They want everything done by the policeman. And yet in past years when there were frauds and repeaters at the polls in this city it was substantially all done through the Police Force. The repeaters went around in squads and when they felt the friendly hand of the policeman on their shoulders to move up and vote, they felt very courageous, and the police were very often given a list of these people and they waited for them to come along and encouraged them to go up and vote. But this has all gone. Nowhere in this country is there less illegal voting than right here in the city of New York and right here on the East Side of the city of New York. Why, I told the Commissioner to get me a list of the arrests made on Election Day. Most of them were made on warrants granted before Election. I am going to get, I cannot give it to you tonight, the number of people that were held for any criminal offense on Election Day. I doubt if it is five in the whole city, and yet we hear this talk year after year.

And then there is a notion abroad that you people need policemen to keep you in order. When we have a political meeting people think they must have an army of police there. Now I did something this year that will make you laugh because nobody knew about it. It was given out in the paper that a Bull Moose meeting up at Madison Square Garden was to be policed by 1,000 policemen. Didn't you read that? Hearst put it in his paper, so it must be true. I had already two years ago instructed the Police Commissioner to stop sending policemen to political meetings except to large meetings that might need protection on the outside. It used to be the fashion to have them



inside at meetings like this and at weddings and funerals. Now I asked Waldo how many he was going to have at the Bull Moose meeting. "Well," he said, "I guess about 100." I said, "Waldo, cut it down to 50." And there were just 50 policemen at that meeting. They were all on the outside and we didn't allow one to go in the inside at all, but I suppose all the Bull Moosers think there were 1,000 policemen there. And I am going to tell you more, that the 50 that were there were not needed at all.

Respectable American citizens can meet without 1,000 policemen to keep them from cutting their throats. Why, up in the country where they have great political meetings in this state and all over they have no policemen and no constables there at all. Those people well understand they can take care of themselves. There is never anything done that is disorderly. You would think here that if we came to a meeting without the police we would all fall to and kill one another. We don't go to meetings for that purpose. We go to hear the orators and what they have to say, and then we go home peaceably. And then the Wilson meeting was coming on, so I said to Waldo, "I have a notion to have no policemen go there." He said, "Well the others had 50, and maybe this year we ought to give them 50." So I said: "All right, let the 50 go." But the next time we will keep quiet and send nobody at all and see what happens. Now I have let the cat out of the bag so that if you have a big meeting here next year maybe there will be no policemen at all, and those people that read what I am saying tonight will certainly, like Dr. Ratner, be writing me letters to send police to keep the people from killing one another. The general order and decency of the American people is not excelled anywhere in the world. The British people would not allow policemen to go to their political meetings or interfere with them. Neither will they in any other part of Europe, except where despotism prevails, and I think we can do quite as well in the city of New York.

The office of our police force is first of all to preserve

outward order and decency, to keep the streets in good order, to prevent tumult and riot and disorder of all kinds, and keep the streets open to travel, to arrest felons whom they see on the streets, arrest whoever commits any serious criminal offense. That being done, then we have a secret service force to deal as best we can with gamblers and unfortunate women, the cut-throats and people who do things in secret or behind closed doors. Those we have to take care of the best we can. Criminals will always be with us.

Some people think that the Mayor ought to stop everything in 48 hours. He ought to be able not to have a single unfortunate woman in the streets, a single gambler, a single criminal. I have to ask some of these good people sometimes what they have done to rescue a single woman from the life that she is leading. There are societies here in this city which are working constantly in these works. I could almost kneel down to the men and women who work in them and devote their lives to it. Do they ever get up and denounce the city officials? Why, they come in to see us. They work with us. They are people of all denominations. They rescue boys, they rescue girls, they rescue unfortunate women. They try to make people better, and in that way, and in that way alone, my friends, the world grows better. The world does not grow better by force or by the policeman's club. He can only keep order, while the preachers preach and others work to morally uplift people so that they won't commit crime or vice. That is his office. Some would have it all done as you would eat a cookie, in half an hour, right off. Why, if we do it all, I tell them, now, we won't leave anything for our successors to do and they will feel lonesome. We can only do our part, and if we do that we do enough. The world is better today than it ever was before. It grows better all the time. It can only grow better gradually. All growth in this world that is good is gradual growth. You know how gradually the tree grows, how gradually the crops in the field grow and mature. How

gradually this body of ours grows from the mother's womb up, and how long this world was growing and was brooded over by Almighty God before it was fit for us to live in. And so it is in intellectual things and in spiritual things and in moral things. They can only grow by degrees, little by little. We have to be patient and make people better little by little, from generation to generation. Those great preachers who think I am such a bad man, if they would only do their share in that respect they would do all that Almighty God expects of them and all that He knows they can do. That is the mission that you and I have and that is their mission, and let us carry it out as best we can. Let us work and teach in the only way that we can to lift up and improve, namely, patiently, day by day, little by little, yea, even as Isaiah says, "line upon line, line upon line, precept upon precept, precept upon precept, here a little, and there a little."



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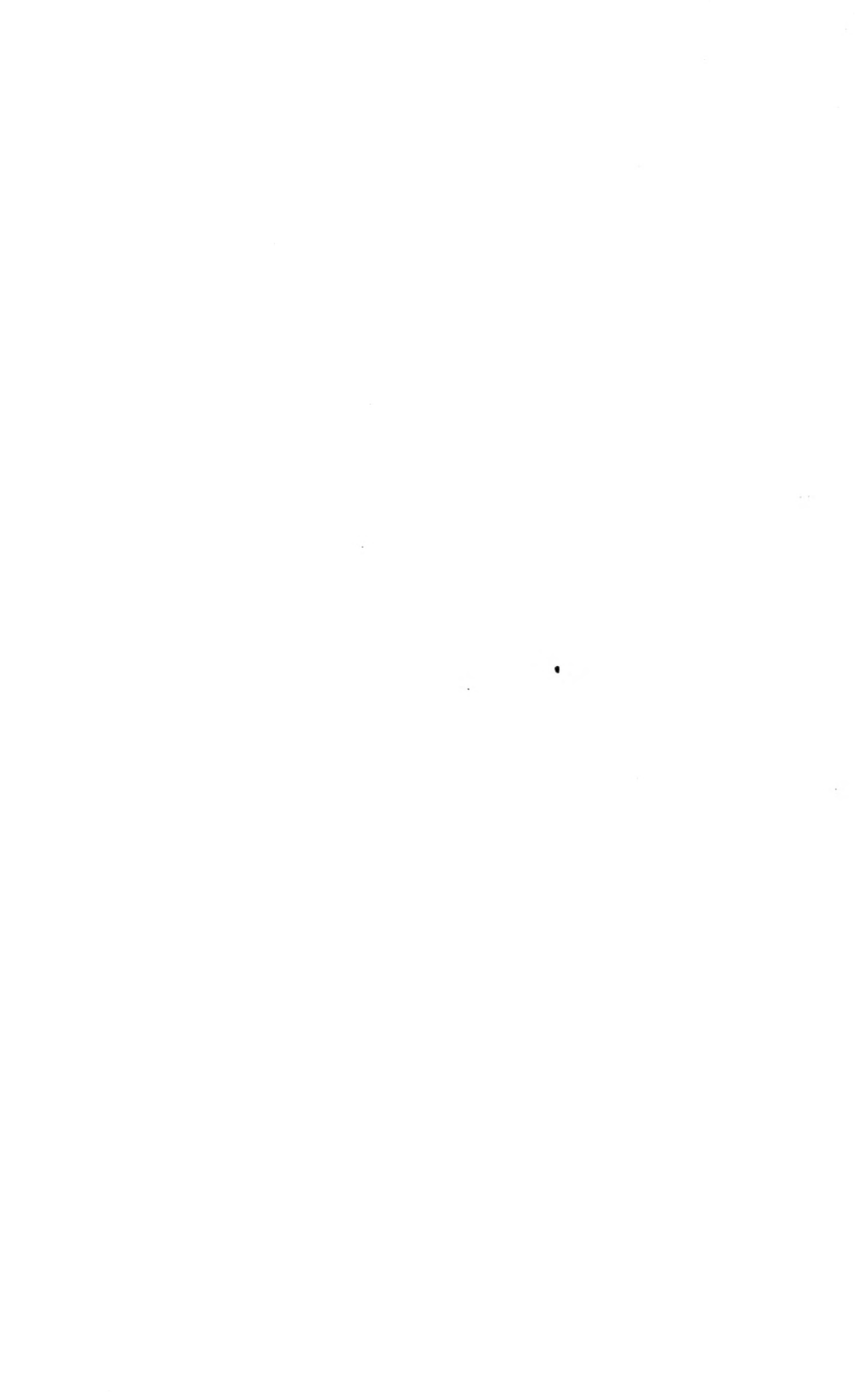
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